

Volume 28, Number 5
Pages 393–536
March 3, 2003



MATT BLUNT

SECRETARY OF STATE

MISSOURI REGISTER

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The *Missouri Register* is published semi-monthly by

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ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO

Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.state.mo.us/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 40—Optical Program

ORDER TERMINATING EMERGENCY AMENDMENT

By the authority vested in the director of the Division of Medical Services under sections 208.152, 208.153, and 208.201, RSMo 2000, the director terminates an emergency amendment, effective February 23, 2003, as follows:

13 CSR 70-40.010 Optical Care Benefits and Limitations— Medicaid Program is terminated.

A notice of emergency rulemaking containing the text of the emergency amendment was published in the *Missouri Register* on July 15, 2002 (27 MoReg 1176-1178).

Title 20—DEPARTMENT OF INSURANCE Division 300—Market Conduct Examinations Chapter 2—Record Retention for Market Conduct Examinations

EMERGENCY AMENDMENT

20 CSR 300-2.200 Records Required for Purposes of Market Conduct Examinations. The department is amending sections (1), (2) and (3).

PURPOSE: This amendment deletes the references to third party vendor or service provider and to the requirement for insurance companies to provide and maintain certain documents obtained from or in the possession of third party vendors or service providers during a market conduct exam regarding functions performed by those third party vendors or service providers for or on behalf of the insurance company.

*EMERGENCY STATEMENT: This emergency amendment deletes the language emphasizing the requirement for insurance companies to provide and maintain certain documents obtained from or in the possession of third party vendors or service providers during a market conduct exam regarding insurance functions performed by those third party vendors or service providers for or on behalf of the insurance company, such as those related to claims handling and payment, complaint handling, termination, rating, underwriting and marketing. This emergency amendment is necessary to protect a compelling governmental interest, in that certain affected parties have expressed to the department their belief that the language, despite changes made as a result of a hearing, continues to be problematic and that they will be forced to file a lawsuit challenging its validity prior to its becoming effective on February 28, 2003. The department is sensitive to the concerns expressed by the affected parties and wishes to avoid the time and expense to both the affected parties and the state of Missouri of such litigation. The department is also concerned that, during the pendency of such litigation, there would be uncertainty regarding the responsibilities of insurance companies with respect to market conduct examinations. Accordingly, the department is filing this emergency amendment in order to give all parties an opportunity to study the issues further and avoid the expense of protracted litigation. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Missouri Department of Insurance believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed February 14, 2003, effective February 24, 2003, and expires August 22, 2003.*

(1) Definitions.

[(D)] The term "customary core functions" means the claims handling, claims payment, complaint handling, termination, rating, underwriting, or marketing process or providing any information or assistance used in claims handling, claims payment, complaint handling, termination, rating, underwriting, or marketing process which have traditionally been performed by internal insurance company employees or producers.]

[(E)] (D) The term "department" shall mean the Missouri Department of Insurance.

[(F)] (E) The term "examiner" shall mean a market conduct examiner authorized by the director to conduct an examination pursuant to section 374.202.2(4), RSMo.

[(G)] (F) The term "inquiry" shall mean a specific question, criticism or request made in writing to an insurer by a market conduct examiner duly appointed by the director.

[(H)] (G) The term "insurer" shall mean an insurer as that term is defined in sections 375.932 or 375.1002, RSMo.

[(I)] (H) The term "policy" shall mean a policy as that term is

defined in section 375.932(5), RSMo. The term "policy" shall also include any evidence of coverage issued by a health maintenance organization to an enrollee.

[(J) The term "third party vendor or service provider" shall mean any person or entity not licensed under any of the insurance laws of the state of Missouri and participating for a fee or pursuant to a contract or mutual agreement with an insurer in the customary core functions of the business of insurance. Third party vendors or service providers will include individuals or entities providing medical review, claim evaluation, case management, property or automobile evaluation and assessment, credit reporting or credit scoring, claim reporting, or medical health reporting services or databases to an insurer, are not independently licensed under the insurance laws of the state of Missouri to provide said services and are not employees of an entity licensed under the insurance laws of the state of Missouri to provide said services.]

(2) Records Required.

*[(A)] Every insurer, licensed to do business in this state shall maintain its books, records, documents and other business records in a manner so that the following practices of the insurer may be readily ascertained during market conduct examinations: **claims handling and payment, complaint handling, termination, rating, underwriting and marketing.** [the insurer's compliance with the standards outlined in the NAIC Market Conduct Examiners' Handbook, including, but not limited to, company operations and management, policyholder service, marketing, producer licensing, underwriting, rating, termination, complaint/grievance handling and claims practices.*

(B) Every insurer, licensed to do business in this state, shall provide in a written contract entered into with any and all third party vendors or service providers which perform any of the customary core functions on behalf of that insurer that the insurer will have access to or retain a copy of the books, records, documents, and other business records used or relied upon by the third party vendor or service provider with whom it contracts in the performance of the third party vendors' or service providers' performance of the customary core functions on behalf of that insurer.

(C) During an examination, the insurer shall provide, as requested, its written contract entered into with each third party vendor or service provider and such documents as set forth in subsection (2)(B) of this section within the time frames set forth in section (6) of this rule.

(D) Every insurer must monitor every third party vendor or service provider with whom it contracts so as to justify to itself that the methods and procedures used in the performance of the customary core functions are actuarially, statistically, medically, scientifically, or practically sound and accurate and performed for an appropriate business purpose, as applicable, and do not violate the laws of this state. The insurer must be able to produce documentation and otherwise demonstrate how it monitored and verified the accuracy, lawfulness, and appropriateness of the business practices performed by the third party vendor or service provider on its behalf within the time frames set forth in section (6) of this rule.

(E) It will be insufficient compliance with this regulation for the insurer to solely submit to the examiner a letter or affidavit from the third party vendor or service provider certifying the accuracy, appropriateness, and compliance with the laws of this state as it relates to the methods and procedures used in the claims handling, claims payment, complaint handling, termination, rating, underwriting, or market-

ing processes without the accompanying documentation as set forth in subsections (2)(B), (2)(C), and (2)(D) of this rule.]

(3) Records to be Maintained. The following records shall be maintained:

(D) The Missouri complaint records required to be maintained under section 375.936(3), RSMo shall include a complaint log or register in addition to the actual written complaints. The complaint log or register shall show clearly the total number of complaints for a period of not less than the immediately preceding three (3) years, the classification of each complaint by line of insurance, the nature of each complaint, and the disposition of each complaint. The complaint log or register shall also contain a reference to the location of the file to which each complaint corresponds. If the insurer maintains the file in a computer format, the reference in the complaint log or register for locating such documentation shall be an identifier such as the policy number or other code. Such codes shall be provided to the examiners at the time of an examination; **and**

(E) The insurer shall retain declined underwriting files for a period of three (3) years from the date of declination. The term "declined underwriting file" shall mean all written or electronic records concerning a policy for which an application for insurance coverage has been completed and submitted to the insurer or its insurance producer but the insurer has made a determination not to issue a policy or not to add additional coverage when requested. A declined underwriting file shall include an application, any documentation substantiating the decision to decline an issuance of a policy, any binder issued without the insurer issuing a policy, any documentation substantiating the decision not to add additional coverage when requested and, if required by law, any declination notification. Notes regarding requests for quotations which do not result in a completed application for coverage need not be maintained for purposes of this regulation; **and**].

[(F) A copy of the contract that the insurer entered into with any and all third party vendors or service providers for the performance of the third party vendors' or service providers' duties in the claims handling, claims payment, complaint handling, termination, rating, underwriting, or marketing processes on behalf of the insurer].

AUTHORITY: sections 144.027, 287.350, 354.190, 354.465, 354.717, 374.045, 374.190, 374.202, 374.205, 374.210, 375.012, 375.013, 375.149, 375.150, 375.151, 375.158, 375.932, 375.938, 375.948, 375.1002, 375.1009, 375.1018, 379.343, 379.475 and 536.016, RSMo 2000 and 375.022 and 375.158, RSMo Supp. 2001. This rule was previously filed as 4 CSR 190-11.050. Original rule filed Dec. 20, 1974, effective Dec. 30, 1974. Amended: Filed Sept. 5, 1975, effective Sept. 15, 1975. Amended: Filed April 4, 1991, effective Oct. 31, 1991. Amended: Filed Dec. 1, 1998, effective July 30, 1999. Amended: Filed July 12, 2002, effective Feb. 28, 2003. Emergency amendment filed Feb. 14, 2003, effective Feb. 24, 2003, expires Aug. 22, 2003. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted printed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 2—Health Requirements for Movement of Livestock, Poultry and Exotic Animals

PROPOSED AMENDMENT

2 CSR 30-2.010 Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri. The director is amending subsection (13)(C).

PURPOSE: *The proposed change to subsection (13)(C) is to clarify acceptable forms of identification for llamas and others of that group entering Missouri.*

(13) Miscellaneous and Exotic Animals. All exotic animals must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name(s) of the

animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(C) Camels, llamas, alpaca and others of that group must *[have a health certificate showing individual identification]* **be identified by tattoo, microchip, eartag or other approved device and be listed individually on a Certificate of Veterinary Inspection. [Registration papers, accompanied by registry photographs of the animal are acceptable identification.]**

AUTHORITY: *section 267.645, RSMo 2000. This version of rule filed Jan. 24, 1975, effective Feb. 3, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 30, 2003.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, Bretagne Jones, D.V.M., Veterinarian II, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 2—Health Requirements for Movement of Livestock, Poultry and Exotic Animals

PROPOSED AMENDMENT

2 CSR 30-2.020 Movement of Livestock, Poultry and Exotic Animals Within Missouri. The director is amending subsection (6)(C).

PURPOSE: *The proposed change to subsection (6)(C) is to clarify acceptable forms of identification for camels, llamas and others of that group.*

(6) Miscellaneous and Exotic Animals. All exotic animals must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(C) Camels, llamas, alpaca and others of that group must *[have a health certificate showing individual identification]* **be officially identified by tattoo, microchip, eartag or other approved device and be listed individually on a Certificate of Veterinary Inspection. [Registration papers, accompanied by registry photographs of the animal are acceptable identification.]**

AUTHORITY: *section 267.645, RSMo 2000. Original rule filed April 18, 1975, effective April 28, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 30, 2003.*

PUBLIC COST: *This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, Bretaigne Jones, D.V.M., Veterinarian II, PO Box 630 Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for Movement of
Livestock, Poultry and Exotic Animals

PROPOSED AMENDMENT

2 CSR 30-2.040 Animal Health Requirements for Exhibition. The director is amending subsection (9)(C).

PURPOSE: *The proposed change to subsection (9)(C) is to clarify acceptable forms of identification for camels, llamas and others of that group.*

(9) Miscellaneous and Exotic Animals. All exotic animals must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(C) Camels llamas, alpaca and others of that group must *[have a health certificate showing individual identification]* **be officially identified by tattoo, microchip, eartag or other approved device and be listed individually on a Certificate of Veterinary Inspection.** *[Registration papers, accompanied by registry photographs of the animal are acceptable identification.]*

AUTHORITY: *section 267.645, RSMo 2000. Emergency rule filed June 28, 1977, effective July 8, 1977, expired Nov. 5, 1977. Original rule filed June 28, 1977, effective Oct. 13, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 30, 2003.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, Bretaigne Jones, D.V.M., Veterinarian II, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 6—Livestock Markets

PROPOSED AMENDMENT

2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian. The director is amending subsection (7)(C).

PURPOSE: *The proposed change to subsection (7)(C) is to clarify acceptable forms of identification for camels, llamas and others of that group.*

(7) Miscellaneous and Exotic Animals. All exotic animals presented for exchange, barter, lease or sale at a licensed livestock market/sale must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(C) Camels llamas, alpaca and others of that group must *[have a health certificate showing individual identification]* **be officially identified by tattoo, microchip, eartag or other approved device and be listed individually on a Certificate of Veterinary Inspection.** *[Registration papers, accompanied by registry photographs of the animal are acceptable identification.]*

AUTHORITY: *section 277.160, RSMo 2000. Original rule filed June 15, 1990, effective Dec. 31, 1990. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 30, 2003.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, Bretaigne Jones, D.V.M., Veterinarian II, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.110 General Prohibition; Applications. The commission proposes to amend subsection (3)(E).

PURPOSE: *This amendment adds the river carpsucker and quillback to the Approved Aquatic Species List.*

(3) Fish, tiger salamander larvae and crayfish may be bought, sold, transported, propagated, taken and possessed by any person without permit throughout the year in any number or size and by any method providing—

(E) That the privileges of this section apply only to species listed in the Approved Aquatic Species List (including all subspecies, varieties and hybrids of the same bought, sold, transported, propagated, taken and possessed for purposes of aquaculture), species frozen or processed for sale as food products, species incapable of surviving in fresh water, species held only in aquaria or other closed containers having water discharged only into approved municipal waste treatment facilities or on-site waste treatment systems that include sand filtration or chlorination, or with written authorization of the director.

1. Fishes.

- A. Shovelnose sturgeon (*Scaphirhynchus platyrhynchus*)
- B. Paddlefish (*Polyodon spathula*)

- C. Spotted gar (*Lepisosteus oculatus*)
- D. Longnose gar (*Lepisosteus osseus*)
- E. Shortnose gar (*Lepisosteus platostomus*)
- F. Bowfin (*Amia calva*)
- G. Gizzard shad (*Dorosoma cepedianum*)
- H. Threadfin shad (*Dorosoma petenense*)
- I. Rainbow trout (*Oncorhynchus mykiss*)
- J. Golden trout (*Oncorhynchus aquabonita*)
- K. Cutthroat trout (*Oncorhynchus clarkii*)
- L. Brown trout (*Salmo trutta*)
- M. Brook trout (*Salvelinus fontinalis*)
- N. Coho salmon (*Oncorhynchus kisutch*)
- O. Northern pike (*Esox lucius*)
- P. Muskellunge (*Esox masquinongy*)
- Q. Goldfish (*Carassius auratus*)
- R. Grass carp (*Ctenopharyngodon idella*)
- S. Common carp (*Cyprinus carpio*)
- T. Bighead carp (*Hypophthalmichthys nobilis*)**
[T.] U. Golden shiner (*Notemigonus crysoleucas*)
[U.] V. Bluntnose minnow (*Pimephales notatus*)
[V.] W. Fathead minnow (*Pimephales promelas*)
- X. River carpsucker (*Carpionodes carpio*)**
- Y. Quillback (*Carpionodes cyprinus*)**
[W.] Z. Blue Sucker (*Cyprinus elongatus*)
[X.] AA. Bigmouth buffalo (*Ictiobus cyprinellus*)
[Y.] BB. Black bullhead (*Ameiurus melas*)
[Z.] CC. Yellow bullhead (*Ameiurus natalis*)
[AA.] DD. Brown bullhead (*Ameiurus nebulosus*)
[BB.] EE. Blue catfish (*Ictalurus furcatus*)
[CC.] FF. Channel catfish (*Ictalurus punctatus*)
[DD.] GG. Flathead catfish (*Pylodictis olivaris*)
[EE.] HH. Mosquitofish (*Gambusia affinis*)
[FF.] II. White bass (*Morone chrysops*)
[GG.] JJ. Striped bass (*Morone saxatilis*)
[HH.] KK. Green sunfish (*Lepomis cyanellus*)
[II.] LL. Pumpkinseed (*Lepomis gibbosus*)
[JJ.] MM. Warmouth (*Lepomis gulosus*)
[KK.] NN. Orangespotted sunfish (*Lepomis humilis*)
[LL.] OO. Bluegill (*Lepomis macrochirus*)
[MM.] PP. Longear sunfish (*Lepomis megalotis*)
[NN.] QQ. Redear sunfish (*Lepomis microlophus*)
[OO.] RR. Smallmouth bass (*Micropterus dolomieu*)
[PP.] SS. Spotted bass (*Micropterus punctulatus*)
[QQ.] TT. Largemouth bass (*Micropterus salmoides*)
[RR.] UU. White crappie (*Pomoxis annularis*)
[SS.] VV. Black crappie (*Pomoxis nigromaculatus*)
[TT.] WW. Yellow perch (*Perca flavescens*)
[UU.] XX. Sauger (*Stizostedion canadense*)
[VV.] YY. Walleye (*Stizostedion vitreum*)
[WWW.] ZZ. Freshwater drum (*Aplodinotus grunniens*)
[XX.] **Bighead carp (*Hypophthalmichthys nobilis*)**
- 2. Crustaceans.
 - A. Freshwater prawn (*Macrobrachium rosenbergii*)
 - B. Northern crayfish (*Orconectes virilis*)
 - C. White river crayfish (*Procambarus acutus*)
 - D. Red swamp crayfish (*Procambarus clarkii*)
- 3. Amphibians.
 - A. Tiger salamander larvae (*Ambystoma tigrinum*)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-4.110(5), (6) and (10). Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 31, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.565 Licensed Hunting Preserve: Privileges. The commission proposes to amend subsection (1)(A).

PURPOSE: This amendment clarifies that licensed big game hunting preserves must be located on one single body of land that is not dissected by public roads, and that game bird hunting preserves can be dissected by public roads. In the case of big game hunting preserves, the single body of land must also be fenced. In addition, this amendment eliminates the need for banding game birds taken on licensed hunting preserves. Instead, a dated receipt showing the name and address of the taker, the number and species of game birds taken, and the name of the hunting preserve will be required; or an approved transportation sticker may be used in lieu of the receipt. Permit requirements for breeding/propagation facilities are also clarified.

(1) Licensed hunting preserves are subject to inspection by an agent of the department at any reasonable time. Animal health standards and movement activities shall comply with all state and federal regulations. Any person holding a licensed hunting preserve permit may release on his/her licensed hunting preserve legally acquired pheasants, exotic partridges, quail and ungulates (hoofed animals) for shooting throughout the year, under the following conditions:

(A) Game Bird Hunting Preserve.

1. The **game bird** hunting preserve shall be a single body of land not less than one hundred sixty (160) acres [*nor*] **and no** more than six hundred forty (640) acres in size. [*Hunting preserves*] **Game bird hunting preserves may be dissected by public roads, and** shall be posted with signs specified by the department. Hunting preserve permits will not be issued for areas—

A. Within five (5) miles of any area where there is an ongoing department game bird release program or where the most recent release of department game birds has been made less than five (5) years prior to receipt of the application.

B. In any location where those activities are considered by the department as likely to further jeopardize any species currently designated by Missouri or federal regulations as threatened or endangered wildlife.

[2. The permittee shall attach to the leg of each game bird taken on the preserve a leg band furnished by the department, for which the permittee shall pay ten dollars (\$10) per one hundred (100) bands.]

[3.] 2. Any person taking or hunting game birds on a [*licensed*] hunting preserve shall have in his/her possession a valid hunting permit or licensed hunting preserve hunting permit, except that persons fifteen (15) years of age or younger, when accompanied by a properly licensed adult hunter, and residents sixty-five (65) years of age and older, may hunt without permit.

[4.] 3. Game birds taken on a *[licensed]* hunting preserve may be possessed and transported **from the preserve** only when *[bearing the prescribed leg band]* accompanied by a receipt listing the date, number and species taken, and name of the hunting preserve; or when accompanied by an approved transportation sticker for each game bird taken. Transportation stickers must be purchased from the department by the hunting preserve permittee. Game birds may be taken in any numbers on *[such areas]* these preserves.

[5.] 4. The permittee must release during the shooting season at least one (1) game bird per acre of hunting preserve, with at least one-half (1/2) of the birds to be bobwhite quail, if quail are to be hunted outside the statewide season. All birds shall be from a source approved by the department.

5. Any propagation facilities contained within or adjacent to the game bird hunting preserve shall meet standards specified in 3 CSR 10-9.220. Breeding enclosures not contained within or adjacent to the hunting preserve are not covered under the privileges of this rule.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-10.765. Original rule filed Jan. 19, 1972, effective Feb. 1, 1972. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 11—Wildlife Code: Special Regulations for Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.186 Waterfowl Hunting. The commission proposes to amend subsections (2)(A) and section (3) and adds section (12).

PURPOSE: This amendment opens designated areas on Blind Pony Lake Conservation Area to waterfowl hunting during regular waterfowl hunting seasons and restricts shooting hours for waterfowl on certain conservation areas.

(2) Waterfowl hunting is prohibited on the following department areas:

- [(A)] Blind Pony Lake Conservation Area*
- [(B)] (A) Cooley Lake Conservation Area*
- [(C)] (B) Hunnewell Lake Conservation Area*
- [(D)] (C) Lake Girardeau Conservation Area*
- [(E)] (D) Lake Paho Conservation Area*
- [(F)] (E) Lone Jack Lake Conservation Area*

(3) Waterfowl hunting is prohibited after 1:00 p.m. on designated portions of the following department areas:

- (I) King Lake Conservation Area**
- [(I)] (J) B.K. Leach Memorial Conservation Area*
- [(J)] (K) Little River Conservation Area*

- [(K)] (L) Long Branch Lake Management Lands*
- [(L)] (M) Nodaway Valley Conservation Area*
- [(M)] (N) Otter Slough Conservation Area*
- [(N)] (O) James A. Reed Memorial Wildlife Area*
- (P) Pony Express Conservation Area**
- [(O)] (Q) Schell-Osage Conservation Area*
- [(P)] (R) Ted Shanks Conservation Area*
- [(Q)] (S) Ten Mile Pond Conservation Area*
- [(R)] (T) Yellow Creek Conservation Area*

(12) On Blind Pony Lake Conservation Area, waterfowl may be hunted only in designated areas and only during the regular waterfowl hunting seasons.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed July 31, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 11—Wildlife Code: Special Regulations for Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.205 Fishing, Methods and Hours. The commission proposes to amend section (4).

PURPOSE: This amendment establishes special regulations for certain lakes on August A. Busch Memorial Conservation Area.

(4) On August A. Busch Memorial Conservation Area:

(C) On Lakes 21 and 28, only flies, artificial lures and soft plastic baits (unscented) may be used from November 1 through January 31.

*[(C)] (D) On Lake 12, fishing is restricted to persons fifteen (15) years of age or younger and not more than one (1) pole and line may be used by any one (1) person at *[one]* any time.*

(E) On Lakes 21, 22, 23, 24 and 28, from November 1 through January 31, not more than one (1) pole and line may be used by one (1) person at any time and the use of natural or scented baits as chum is prohibited.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed July 31, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.210 Fishing, Daily and Possession Limits. The commission proposes to add a new section (9) and renumber the remaining sections.

PURPOSE: This amendment establishes special trout fishing regulations on certain lakes on the August A. Busch Memorial Conservation Area.

(9) On August A. Busch Memorial Conservation Area:

(A) On Lakes 21 and 28, trout must be returned to the water unharmed immediately after being caught from November 1 through January 31. Trout may not be possessed on these waters during this season.

(B) On Lakes 22, 23 and 24, no person shall continue to fish for any species after having five (5) trout in possession from November 1 through January 31.

[(9)] (10) On Bellefontaine Conservation Area and Port Hudson Lake Conservation Area, the daily limit for other fish as designated in 3 CSR 10-6.550 shall be ten (10) in the aggregate.

[(10)] (11) On Jerry J. Presley Conservation Education Center, except as otherwise provided on the special use permit, fish must be returned to the water unharmed immediately after being caught.

[(11)] (12) On Lake 12 (August A. Busch Memorial Conservation Area) and Lost Valley Fish Hatchery, the daily limit for all fish shall be two (2) in the aggregate. On Lost Valley Fish Hatchery, no person shall continue to fish for any species after having two (2) fish in possession.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed July 31, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 220-2.130 Drug Repackaging. The board is proposing to amend subsection (1)(D).

PURPOSE: The purpose for this amendment is to define record keeping requirements for lot number and expiration dates for drugs stored in an automated counting device.

(1) A pharmacist or pharmacy may prepackage drugs for other than immediate dispensing purposes provided that the following conditions are met:

(D) Any prepacked drug must have a label affixed to it which contains, at a minimum, the name and strength of the drug, the name of the manufacturer or distributor, an expiration date as defined in subsection (1)(C) and lot number. **Pharmacies that store drugs within an automated counting device may, in place of the required label, maintain records for lot numbers and expiration dates that are required on the label as long as it is fully traceable and is readily retrievable during an inspection.**

AUTHORITY: sections 338.140[, RSMo Supp. 1999] and 338.280, RSMo [1994] 2000. Original rule filed Dec. 10, 1986, effective May 28, 1987. Amended: Filed Nov. 15, 1988, effective March 11, 1989. Emergency amendment filed July 1, 1991, effective July 26, 1991, expired Nov. 22, 1991. Amended: Filed July 1, 1991, effective Jan. 13, 1992. Amended: Filed July 28, 2000, effective Jan. 30, 2001. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102, via facsimile to (573) 526-3464 or e-mail at pharmacy@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 3—Records

PROPOSED AMENDMENT

11 CSR 45-3.010 Commission Records. The commission proposes to amend sections (4) and (7) of this rule.

PURPOSE: The commission proposes to amend this rule by reducing the fee for copies of commission records.

(4) All licensees shall provide the commission a monthly update of the information required in section 313.847, RSMo on forms provided by the commission. All licensees shall have a duty to inform the commission of any material change of facts happening after the filing of an application [(see 11 CSR 45-4.030, Appendix A)].

(7) [The following fees are established for records of the commission:

- (A) Fee for photocopies of public records of the Missouri Gaming Commission (per page) \$.50
- (B) Fee for document search of public records of the Missouri Gaming Commission per hour or part of an hour \$20.00
- (C) Fee for access to public records maintained on computer facilities, recording tapes or discs, videotapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices. Actual cost of reproduction plus document search fee per hour or part of an hour \$20.00/

The commission may charge a fee for copying public records, which fee shall not exceed the actual cost of document search and duplication. The commission shall provide a list of fees charged for copying public records upon request.

AUTHORITY: sections 313.004, 313.805 and 313.847, RSMo 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed May 3, 2001, effective Dec. 30, 2001. Amended: Filed April 29, 2002, effective Nov. 30, 2002. Amended: Filed Jan. 24, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 10:00 a.m. on April 9, 2003, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 5—Conduct of Gaming

PROPOSED AMENDMENT

11 CSR 45-5.200 Progressive Slot Machines. The commission is amending section (5).

PURPOSE: The commission proposes to amend this rule by adding language that allows electronic gaming devices requiring different maximum wagers to be linked on the same wide-area progressive system.

(5) The operation of wide-area progressive slot machines is allowed subject to the following conditions:

(N) The licensee authorized to provide a wide-area progressive system, must supply a copy of all lease and contractual agreements relating to the wide-area progressive system to the commission; [and]

(O) The wide-area progressive system prize fund (the amount of money contributed by the participating licensees) must be audited, in accordance with generally accepted auditing standards, on the fiscal year of the licensee authorized to provide the system, by an independent accountant licensed by the Missouri State Board of Accountancy pursuant to Chapter 326, RSMo. Two (2) copies of this report must be submitted to the commission upon completion of the audit or ninety (90) days after the conclusion of the licensee's fiscal year, whichever occurs first. The cost of the audit shall be paid by the licensee providing the wide-area progressive system/.; and

(P) Gaming devices connected to a common wide-area progressive system shall:

1. All require the same maximum wager; or
2. If requiring different maximum wagers, utilize the expected value of winning the top award by setting the odds of winning the top award in proportion to the amount wagered. The method of equalizing the expected value of winning the top award shall be conspicuously displayed on each device connected to the system.

AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo [1994] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Aug. 30, 1996, effective March 30, 1997. Amended: Filed July 2, 1997, effective Feb. 28, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Jan. 24, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the MO Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 10:00 a.m. on April 9, 2003, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 24—Drivers License Bureau Rules

PROPOSED AMENDMENT

12 CSR 10-24.140 Procedures for Reissuance of a Missouri Driver License, [or] Nondriver License, or Instruction Permit Not Received After Mailing by the Department. The director is amending the title, Purpose and sections (1) and (2) and adding a new section (3).

PURPOSE: This amendment will allow the director to apply the same procedures to an instruction permit that is returned after mailing, as those procedures are applied to driver and nondriver licenses. In addition, the amendment includes fees for duplicate commercial driver instruction permits that were not previously included in this rule.

PURPOSE: This rule establishes the procedures to be followed when an applicant for a driver license, [or] nondriver license, or instruction permit does not receive the document after mailing by the department.

(1) If an applicant for a [Missouri] driver license, [or Missouri] nondriver license, or instruction permit does not receive the driver license, [or] nondriver license, or instruction permit, the following procedures apply:

(A) The applicant shall receive a duplicate driver license, [or] nondriver license, or instruction permit if it was not received within twenty-five (25) working days after mailing from Jefferson City, but not more than ninety (90) days from the date of application. The duplicate driver license, [or] nondriver license, or instruction permit shall be processed at no additional cost to the applicant; and

(B) The applicant shall complete the proper application for a duplicate driver license, [or] nondriver license, or instruction permit.

(2) If the applicant requests any changes on the duplicate [Missouri] driver license, [or] nondriver license, or instruction permit, [the fee of seven dollars and fifty cents (\$7.50) for a Class F or Class M license, fifteen dollars (\$15) for a Class E license, twenty dollars (\$20) for a Class A, B or C license, or three dollars (\$3) for a photo nondriver license shall be required. A one dollar (\$1) fee is required for a duplicate nonphoto nondriver license.] the applicant shall pay the appropriate fee as follows:

(A) For a duplicate Class F or M license, the fee shall be seven dollars and fifty cents (\$7.50).

(B) For a duplicate Class E license, the fee shall be fifteen dollars (\$15).

(C) For a duplicate Class A, B, or C license, the fee shall be twenty dollars (\$20).

(D) For a duplicate Class E, F, or M instruction permit, the fee shall be one dollar (\$1).

(E) For a duplicate photo nondriver license, the fee shall be three dollars (\$3).

(F) For a duplicate nonphoto nondriver license, the fee shall be one dollar (\$1).

(G) For a duplicate Class A, B, or C instruction permit, the fee shall be five dollars (\$5).

(3) An additional processing fee may be charged by agents who contract with the Department of Revenue. Beginning July 1, 2003, all documents processed by state owned Department of Revenue branch offices will also include a state processing fee equal to that charged by contract agents (as authorized by section 136.055, RSMo Supp. 2002).

AUTHORITY: sections 136.055, RSMo Supp. 2002, 302.181, RSMo Supp. 1999] and 302.185, RSMo [1994] 2000. Original rule filed April 15, 1988, effective Sept. 29, 1988. Amended: Filed Dec. 11, 1991, effective April 9, 1992. Amended: Filed Sept. 11, 1992, effective April 8, 1993. Amended: Filed May 31, 2000, effective Nov. 30, 2000. Amended: Filed Jan. 21, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PUBLIC COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 1—Organization**

PROPOSED RULE

13 CSR 70-1.020 Standards for Privacy of Individually Identifiable Health Information

PURPOSE: The state of Missouri, Department of Social Services, Division of Medical Services, is committed to protecting the confidentiality of protected health information of applicants and recipients of the Medical Assistance (Medicaid) Program. This rule describes how health care information about Medicaid applicants and recipients may be used and disclosed and how Medicaid recipients can get access to their personal health information.

(1) General Authority. There are many state and federal laws and regulations that safeguard applicants' and recipients' protected health information. Section 1902(a)(7) of the federal Social Security Act requires that a state plan for medical assistance must provide safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of the plan. The Health Insurance Portability and Accountability Act (HIPAA) represents the first comprehensive federal protection of patient privacy. Passed by the United States Congress in 1996, HIPAA sets national standards to protect personal health information, reduces health care fraud, and makes health coverage more portable. The entire health care industry must implement HIPAA, including state governments.

(2) Definitions.

(A) Health Insurance Portability and Accountability Act of 1996 (HIPAA). This law established "portability" requirements, allowing employees to "take their coverage with them" when they changed jobs. The "Administrative Simplification" section of the law deals with privacy, security of health care information, and standardized formats for electronic health care transactions (such as submission of health care claims).

(B) Protected Health Information. A term established under the HIPAA privacy rules, it refers to individually identifiable health information, in whatever medium it is transmitted or maintained (e.g., paper, electronic, or even oral), including demographic information, that is created or received by a health care provider, health plan, employer, or health care clearinghouse and that relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.

(C) Treatment, Payment and Health Care Operations (TPO) includes all of the following:

1. Treatment means the provision, coordination, or management of health care and related services, consultation between providers relating to an individual, or referral of an individual to another provider for health care.

2. Payment means activities undertaken by a health plan to obtain premiums or determine/fulfill responsibility for coverage or provision of benefits, or by a provider or health plan to obtain or provide reimbursement for health care, including determinations of eligibility or coverage, billing, collections activities, medical necessity determinations and utilization review.

3. Health care operations includes functions such as quality assessment and improvement activities, case management and care coordination, reviewing competence or qualifications of health care professionals, conducting training programs, licensing and credentialing activities, underwriting, premium rating, conducting or arranging for medical review, legal services and auditing functions, business planning and development, and general business and

administrative activities (including activities relating to the sale, transfer or merger of the covered entity).

(3) Disclosures of Health Information Required or Allowed by Law. The Department of Social Services, the single state Medicaid agency, may use an applicant's or recipient's individually identifiable health information for treatment, payment, or health care operations. For example, individually identifiable health information may be used to determine disability for a public assistance program; when reviewing a request from the treating physician for a Medicaid service that requires a prior approval; and when processing claims and other requests for medical care payments. The Department of Social Services, Division of Medical Services shall report:

- (A) Contagious diseases, birth defects, and cancer;
- (B) Firearm injuries and other trauma events;
- (C) Reactions to problems with medicines;
- (D) To the police when required by law;
- (E) When the court orders us to;
- (F) To the government to review how our programs are working;
- (G) To a provider or other insurance company who needs to know if you are enrolled in one of our programs;
- (H) To Workers' Compensation for work related injuries;
- (I) Birth, death, and immunization information; and
- (J) To the federal government when they are looking into something important to protect our country, the President, and other government workers.

(K) The Department of Social Services, Division of Medical Services may also report information for research purposes and matters concerning organ donations. The research must be for helping the Medicaid program.

(4) Other uses and disclosures require the applicant's or recipient's written authorization. For other situations, the Department of Social Services will ask for the applicant's or recipient's written authorization before using or disclosing information. The applicant or recipient may cancel this authorization at any time in writing. The Department of Social Services cannot take back any uses or disclosures already made with the applicant's or recipient's authorization.

(5) Applicant or recipient rights to restrict or request protected health information. A "Restriction of Use and Disclosures Request Form" is included herein. The Department of Social Services, Division of Medical Services must get the applicant's or recipient's or their representative's consent to use and share private health information for other purposes. An applicant or recipient has the right to:

- (A) Receive private information from the Department of Social Services by other means or at another place;
- (B) Have their doctor see their health information, unless it is private notes taken by a mental health provider;
- (C) Request a change of their medical information if they think some of the information is wrong; and
- (D) Request a list of medical information the Department of Social Services shared that was not for treatment, payment, or health care operations or as required by federal law. Beginning in April 2003 an applicant or recipient can get a list of where their health information has been sent, unless it was sent for treatment, payment, checking to make sure they received quality care, or to make sure the laws are being followed, on forms prepared by the Department of Social Services. An "Accounting of Disclosures Request Form" is included herein.

1. The applicant or recipient may be charged the cost of producing the requested information:

A. Research time. For the purposes of this fee structure, research time includes all time spent conducting the research, copying, etc., the information for the requestor. The hourly rate charged for research time will be the actual hourly rate of the employee(s) performing the task multiplied by the actual number of hours spent

conducting the research. Fees for research time will be prorated to fifteen (15) minute increments as necessary;

(I) Example: Employee A, whose hourly rate is eight dollars and fifty cents (\$8.50) per hour, spends one (1) hour and ten (10) minutes conducting research on a specific request. Employee A's hourly rate (\$8.50) is multiplied by one and one-quarter (1.25) (one (1) hour plus ten (10) minutes, which is prorated to fifteen (15) minutes). This calculation equals ten dollars and sixty-three cents (\$10.63).

B. Copying cost. For reproducing single sided sheets on a copy machine, a charge of two (2) cents per copy will be assessed. For reproducing double sided sheets on a copy machine, a charge of three (3) cents per copy will be assessed. The cost of reproducing microfilmed documents is two (2) cents per page;

C. Other formats. Requests for information in other formats such as diskettes, audio/video tapes, slides, etc. will be invoiced at the rate the agency actually paid for the format used; and

D. Delivery costs.

Restriction of Use and Disclosures Request Form

*(For use by Department of Social Services clients
asking to limit use and disclosure of their information)*

Name:	ID Number:
Record Holder:	Date of Birth:
Location of Record:	Date of Request:

If you are asking to limit use and disclosure of your personal information, please consider the following

- Department of Social Services (DSS) will consider your request. DSS does not have to agree to your request unless it is regarding vocational rehabilitation or alcohol and drug information.
- DSS may need your authorization to use and disclose information for some services. Without your authorization, DSS may not be able to see if you qualify for services.

I am asking to limit the following information from being used and disclosed (be specific):

Approved	<input type="checkbox"/>	_____
Denied	<input type="checkbox"/>	_____
Delayed	<input type="checkbox"/>	_____
If delayed, we will act on your request by _____.		
Comments: _____		

DSS Representative Signature		Date

Accounting of Disclosures Request Form*(For use by Department of Social Services clients requesting an accounting of disclosures)*

Name:	ID Number:
Record Holder:	Date of Birth:
Location of Record:	Date of Request:

You can ask for a list of disclosures of your Protected Health Information made by the Department of Social Services (DSS). If you would like this information, please consider the following:

- The list is free one time in any twelve-month period. DSS may charge you for additional lists in the same twelve-month period.
- DSS will not list disclosures made more than six years before your request.
- DSS will not list disclosures made earlier than _____.
- DSS will only list disclosures of Protected Health Information not related to Treatment, Payment, or Health Care Operations.
- DSS will not list disclosures that you authorized.

I am asking for a list of disclosures for the following period of time: (be specific)

From: _____ To: _____

Approved	<input type="checkbox"/>	_____
Denied	<input type="checkbox"/>	_____
Delayed	<input type="checkbox"/>	_____
If delayed, we will act on your request by _____.		
Comments: _____		

DSS Representative Signature		Date

AUTHORITY: section 208.201, RSMo 2000. Original rule filed Feb. 3, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program**

PROPOSED AMENDMENT

13 CSR 70-20.320 Pharmacy Reimbursement Allowance. The division is deleting paragraph (1)(A)5., amending paragraph (1)(B)1. and subparagraph (2)(C)2.C., and adding paragraph (1)(C)10.

PURPOSE: This amendment clarifies the application of the pharmacy reimbursement allowance to providers predominantly delivering medications by common carrier, mail, or a courier service and corrects the statutory citation in subparagraph (2)(C)2.C.

(1) Pharmacy Reimbursement Allowance (PRA). PRA shall be assessed as described in this section.

(A) Definitions.

1. Department—Department of Social Services.
2. Director—Director of Department of Social Services.
3. Division—Division of Medical Services.

4. Monthly gross retail prescription receipts—For ease of administration for the department as well as the industry, this shall be an annual amount. The basis of tax for fiscal year 2003 will be the prescription sales for calendar year 2001.

[5. Mail Order Pharmacy—A licensed pharmacy of which eighty percent (80%) or more of the gross receipts are attributable to prescription drugs that are delivered directly to the patient via common carrier, by mail, or a courier service, and which is not open to the public and has no Medicaid provider number.]

(B) Each pharmacy engaging in the business of providing outpatient prescription drugs in Missouri to the general public shall pay a PRA.

1. The PRA owed for existing pharmacies shall be calculated by multiplying the pharmacy's total gross retail prescription receipts by the tax rate determined by the department. [The PRA owed for mail order pharmacies shall be calculated according to the tax rate established in the state law.] Subject to the limitations established in section 538.520, RSMo, the range of such said tax rate shall be uniformly distributed in bands determined by a ratio of total Medicaid prescriptions divided by total sales and shall not exceed six percent (6%).

2. The PRA shall be divided by and collected over the number of months for which the PRA is effective.

3. The initial PRA owed by a newly licensed pharmacy shall be calculated by estimating the total prescription sales and multiplying the estimate by the rate determined by the department.

4. If a pharmacy ceases to provide outpatient prescription drugs to the general public, the pharmacy is not required to pay the PRA during the time it did not provide outpatient prescription drugs.

5. If the pharmacy reopens, it shall resume paying the PRA. It shall owe the same PRA as it did prior to closing, if the PRA has not changed per paragraph (1)(B)1.

(C) Each pharmacy shall submit an affidavit to the department with the following information:

1. Pharmacy name;
2. Contact;
3. Telephone number;
4. Address;
5. Federal tax ID number;
6. Medicaid pharmacy number (if applicable);
7. Pharmacy sales (total);
8. Medicaid pharmacy sales; [and]
9. Number of paid Medicaid prescriptions/; and

10. Gross receipts attributable to prescription drugs that are delivered directly to the patient via common carrier, by mail, or a courier service.

(2) Payment of the PRA.

(C) Failure to comply with this request for information or failure to pay the PRA.

1. If a pharmacy fails to comply with a request for information from the Division of Medical Services or fails to pay its PRA within thirty (30) days of notice, the PRA shall be delinquent.

2. For any delinquent PRA, the department may:

A. Proceed to enforce the state's lien of the property of the pharmacy;

B. Cancel or refuse to issue, extend or reinstate the Medicaid provider agreement; or

C. Seek denial, suspension or revocation of license granted under Chapter [198] 338, RSMo.

3. The new owner, as a result of a change in ownership, shall have his/her PRA paid by the same method the previous owner elected.

AUTHORITY: section 208.201, RSMo 2000. Emergency rule filed June 20, 2002, effective July 1, 2002, expires Feb. 27, 2003. Original rule filed July 15, 2002, effective Feb. 28, 2003. Amended: Filed Feb. 3, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 35—Dental Program**

PROPOSED RESCISSION

13 CSR 70-35.010 Dental Benefits and Limitations, Medicaid Program. This rule provided for the dental services for which the

Division of Medical Services shall pay when the service was provided to an eligible medical assistance recipient, the service was provided by a licensed dentist or licensed and certified dental specialist who had entered into an agreement for that purpose with the division and the service was listed as a covered item either in the rule or the Medicaid dental provider manual sponsored by the division.

PURPOSE: This rule is being rescinded to eliminate dental services from the medical assistance program. Dental services for children will be available through early and periodic screening, diagnostic and treatment (EPSDT) services as described in section 1905(r) of the federal Social Security Act. Although Missouri has opted to cover dental services for adults in the Medicaid system in the past, it has become necessary to end coverage provided for this federally optional Medicaid service. This rescission allows the agency to provide mandatory Medicaid services and continue funding the primary acute care system. Missouri's economic status requires measures to contain cost whenever feasible. The Division of Medical Services will be faced with the alternative of not being able to make all payments for mandatory services by the end of State Fiscal Year 2004 because Missouri's constitution does not allow for spending more money than is available to the state.

AUTHORITY: sections 208.152, RSMo Supp. 1990, 208.153, RSMo Supp. 1991 and 208.201, RSMo Supp. 1987. This rule was previously filed as 13 CSR 40-81.040. Original rule filed Jan. 21, 1964, effective Jan. 31, 1964. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Feb. 3, 2003.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities \$15,500,000.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	13 CSR 70-35.010 Dental Benefits and Limitations, Medicaid Program
Type of Rulemaking:	Proposed Rescission

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
588	Licensed dental providers enrolled in the Missouri Medicaid program	\$15,500,000

III. WORKSHEET

The fifteen million five hundred thousand dollars (\$15,500,000) was based on a computer report run on expenditures for state fiscal year 2001.

IV. ASSUMPTIONS

In state fiscal year 2002 there were three hundred thirty-five thousand, four hundred eight-two (335,482) adults eligible for Medicaid covered dental services. Of this number, forty-eight thousand, twenty-four (48,024) adults received services on a fee-for-service basis; eight-three thousand, six hundred ten (83,610) adults received services through MC+ managed care.

*[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 1—Organization and Description of Board*

PROPOSED AMENDMENT

[13] 19 CSR 73-1.010 General Organization. The board is amending sections (1) and (5).

PURPOSE: This amendment is necessary due to the transfer of the board from the Department of Social Services to the Department of Health and Senior Services.

(1) The Missouri Board of Nursing Home Administrators is a licensing board within the *[Division of Aging of the]* Department of *[Social]* **Health and Senior Services**.

(5) The board shall meet as necessary to fully attend to the matters before the board. Public notice shall be given by the executive secretary before the date of the meeting. The time and location for each meeting may be obtained by contacting the executive secretary of the board, *[1440 Aaron Court, P.O. Box 1337]* **2023 St. Mary's Boulevard, PO Box 570**, Jefferson City, MO 65102, *[(314)]* **(573) 751-3511**.

AUTHORITY: section 344.070, RSMo **[1986] 2000**. This rule previously filed as 13 CSR 73-1.010. Original rule filed Sept. 10, 1976, effective Dec. 11, 1976. Rescinded and readopted: Filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed April 14, 1983, effective July 11, 1983. Amended: Filed Oct. 16, 1985, effective Feb. 28, 1986. Amended: Filed Oct. 1, 1987, effective Jan. 13, 1988. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Nursing Home Administrators, Diana Love, Executive Secretary, PO Box 570, 2023 St. Mary's Blvd., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

*[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules*

PROPOSED AMENDMENT

[13] 19 CSR 73-2.015 Fees. The board is amending section (1) by adding a new subsection (F) and renumbering the remaining subsections and amending section (2).

PURPOSE: This amendment incorporates the retired license fee that already exists in 13 CSR 73-2.051 and incorporates changes due to the board transferring from the Department of Social Services to the Department of Health and Senior Services.

(1) The following fees are required by the Board of Nursing Home Administrators:

(F) Retired License Fee	\$ 25
<i>[(F)]</i> (G) Duplicate License Fee	\$ 5
<i>[(G)]</i> (H) Single Offering Fee	
(per requested clock hour)	\$ 10
<i>[(H)]</i> (I) Insufficient Funds Charge	\$ 25

(2) Fees listed in (1)(A) and (C)—*[(H)]* **(I)** must be made payable to the *[Division of Aging]* **Department of Health and Senior Services** in the form of a cashier's check, company check or money order. Fees listed in (1)(B) must be made payable to the National Association of Board of Examiners of Long Term Care Administrators (NAB).

AUTHORITY: section 344.070, RSMo 2000. This rule previously filed as 13 CSR 73-2.015. Original rule filed Jan. 3, 1992, effective May 14, 1992. Amended: Filed March 4, 1993, effective Aug. 9, 1993. Emergency amendment filed Nov. 17, 1999, effective Dec. 11, 1999, expired June 7, 2000. Amended: Filed Nov. 1, 1999, effective April 30, 2000. Emergency amendment filed Nov. 30, 2001, effective Jan. 1, 2002, expired June 29, 2002. Amended: Filed Nov. 30, 2001, effective June 30, 2002. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Nursing Home Administrators, Diana Love, Executive Secretary, PO Box 570, 2023 St. Mary's Blvd., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

*[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules*

PROPOSED AMENDMENT

[13] 19 CSR 73-2.020 Procedures and Requirements for Licensure of Nursing Home Administrators. The board is replacing the form referenced in section (1), amending section (4) and subsection (4)(A).

PURPOSE: This amendment revises the number of the rule referenced.

(4) If the board determines the applicant has failed to meet one (1) of the criteria outlined in **[13] 19 CSR 73-2.020(2)(E)1.-3.**, the applicant—

(A) Must complete the course of instruction and training approved by the board pursuant to **[13] 19 CSR 73-2.031**. The planned curriculum, including a description of each planned course, must be submitted to the board in writing for PRIOR review and approval. Failure to do so within six (6) months following notification of the board's decision will cause reapplication to become necessary for any future consideration.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
DIVISION OF HEALTH STANDARDS & LICENSURE
BOARD OF NURSING HOME ADMINISTRATORS
APPLICATION FOR LICENSURE

Please type or print in ink and return to:
Missouri Department of Health and Senior Services
Board of Nursing Home Administrators
P.O. Box 570, Fee Receipts
Jefferson City, MO 65102

I. IDENTIFYING INFORMATION					
1. NAME		LAST	FIRST	MIDDLE	
2. ADDRESS - HOME		STREET	CITY	COUNTY	STATE ZIP CODE
ADDRESS - BUSINESS		STREET	CITY	COUNTY	STATE ZIP CODE
3. TELEPHONE NUMBER		ALL CORRESPONDENCE WILL BE ADDRESSED TO YOUR HOME UNLESS YOU NOTIFY US DIFFERENTLY. YOU ARE REQUIRED TO NOTIFY THIS OFFICE OF ANY CHANGE OF HOME OR BUSINESS ADDRESS WITHIN 21 DAYS OF THE CHANGE 13 CSR 73-2.130			
HOME	BUSINESS				
4. SOCIAL SECURITY NUMBER*	5. DATE OF BIRTH	6. PLACE OF BIRTH		CITY	STATE
II. RECIPROCITY INFORMATION					
1. HAVE YOU EVER APPLIED FOR A NURSING HOME ADMINISTRATOR LICENSE IN ANY STATE? IF YES, AND LICENSE NOT ISSUED, PLEASE EXPLAIN BELOW.					<input type="checkbox"/> YES <input type="checkbox"/> NO
IF YES, AND LICENSE ISSUED					
STATE	DATE OF LICENSURE	LICENSE NUMBER	STATUS (CURRENT, EXPIRED, ETC.)		
III. OTHER PROFESSIONAL LICENSES					
1. DO YOU NOW HOLD, OR HAVE YOU EVER HELD, A LICENSE FROM ANY OTHER PROFESSIONAL BOARD IN THIS OR ANY OTHER STATE? IF YES, COMPLETE THE FOLLOWING					<input type="checkbox"/> YES <input type="checkbox"/> NO
STATE	TYPE OF LICENSE	LICENSE NO.	DATE ISSUED	STATUS	
2. HAVE ANY OF YOUR PROFESSIONAL LICENSES LISTED ABOVE EVER BEEN DISCIPLINED? IF YES, EXPLAIN AND ATTACH A COPY OF ANY SETTLEMENT AGREEMENT, CONTRACT, ETC. THAT YOU ENTERED AT THE TIME OF THE DISCIPLINE.					<input type="checkbox"/> YES <input type="checkbox"/> NO
IV. CRIMINAL RECORD					
1. HAVE YOU EVER BEEN CHARGED WITH, ARRESTED FOR, OR CONVICTED OF AN OFFENSE INVOLVING THE OPERATION OF A NURSING HOME OR OTHER HEALTH CARE FACILITY? IF YES, ATTACH EXPLANATION.					<input type="checkbox"/> YES <input type="checkbox"/> NO
2. HAVE YOU EVER BEEN CHARGED WITH, ARRESTED FOR, OR CONVICTED OF A CRIME, AN ESSENTIAL ELEMENT OF WHICH IS DISHONESTY, FRAUD OR MORAL TURPITUDE? IF YES, ATTACH EXPLANATION.					<input type="checkbox"/> YES <input type="checkbox"/> NO
3. I HEREBY AUTHORIZE, BY MY NOTARIZED SIGNATURE ON PAGE 4 OF THIS APPLICATION, THE BOARD OF NURSING HOME ADMINISTRATORS TO CONDUCT A RECORD CHECK ON ME, AN APPLICANT FOR LICENSURE, INCLUDING THE RELEASE OF ANY CLOSED RECORDS THAT MAY BE RELEVANT TO CHAPTER 344, RSMo, FOR THE PURPOSE OF CONSIDERING MY QUALIFICATIONS FOR LICENSURE (INCLUDING ARRESTS, CHARGES, INDICTMENTS AND CONVICTIONS). IF NO, PLEASE ATTACH EXPLANATION					<input type="checkbox"/> YES <input type="checkbox"/> NO
HEIGHT	WEIGHT	COLOR OF HAIR	EYES		
	<div style="text-align: center; margin-top: 50px;">ATTACH PHOTOGRAPH HERE</div>				

* WE ARE REQUESTING THAT YOU VOLUNTARILY PROVIDE YOUR SOCIAL SECURITY NUMBER UNDER THE AUTHORITY OF SECTION 344, RSMo, SUPP. 1990. FAILURE OR REFUSAL TO PROVIDE YOUR SOCIAL SECURITY NUMBER WILL NOT AFFECT LICENSING OR ANY OTHER BENEFITS OR PRIVILEGES YOU WOULD OTHERWISE ENJOY. IF PROVIDED, YOUR SOCIAL SECURITY NUMBER WILL BE USED FOR THE FOLLOWING PURPOSES: A) TO IDENTIFY YOU IN RECORD KEEPING AND INFORMATION EXCHANGES WITH STATE AGENCIES (MISSOURI AND OTHER STATES), FEDERAL AGENCIES AND OTHER DATA SOURCES; B) TO MAKE CRIMINAL HISTORY CHECKS AND TO VERIFY ALL INFORMATION PROVIDED IN THE APPLICATION. DISCOVERY OF FALSE INFORMATION IN THE APPLICATION OR DISCOVERY OF RELEVANT CRIMINAL HISTORY MAY RESULT IN DENIAL OF YOUR APPLICATION.

BOARD OF NURSING HOME ADMINISTRATORS

APPLICATION FOR LICENSURE – CONTINUED**V. EDUCATION RECORD**

1. ARE YOU A HIGH SCHOOL GRADUATE?				YES <input type="checkbox"/>	NO <input type="checkbox"/>
2. LIST BELOW EDUCATION BEYOND HIGH SCHOOL					
SCHOOL NAME AND ADDRESS	COURSE OF STUDY	YEARS ATTENDED FROM TO	DID YOU GRADUATE?	LIST DIPLOMA OR DEGREE	
			<input type="checkbox"/> YES <input type="checkbox"/> NO		
			<input type="checkbox"/> YES <input type="checkbox"/> NO		
			<input type="checkbox"/> YES <input type="checkbox"/> NO		
			<input type="checkbox"/> YES <input type="checkbox"/> NO		
			<input type="checkbox"/> YES <input type="checkbox"/> NO		
			<input type="checkbox"/> YES <input type="checkbox"/> NO		

VI. EMPLOYMENT HISTORY

1. MAY THE MISSOURI BOARD OF NURSING HOME ADMINISTRATORS MAKE INQUIRY OF YOUR PRESENT OR PAST EMPLOYERS?						YES <input type="checkbox"/>	NO <input type="checkbox"/>
2. IF YOU HAVE EVER BEEN DISMISSED FROM A POSITION, PLEASE EXPLAIN GIVING DATE, EMPLOYER AND CIRCUMSTANCES.							
<hr/> <hr/> <hr/>							
3. LIST ALL PRESENT AND PAST EMPLOYMENT, BEGINNING WITH YOUR MOST RECENT POSITION. IF ADDITIONAL SPACE IS NEEDED, PLEASE MAKE AN ADDENDUM.							
NAME AND ADDRESS OF EMPLOYER						TYPE OF BUSINESS	
POSITION TITLE(S)	FROM		TO		NAME AND TITLE OF IMMEDIATE SUPERVISOR		
	MO.	YR.	MO.	YR.			
1.							
2.							
3.							
LIST DUTIES IN EACH POSITION TITLE LISTED ABOVE							
1.							
<hr/> <hr/> <hr/>							
2.							
<hr/> <hr/> <hr/>							
3.							
<hr/> <hr/> <hr/>							

BOARD OF NURSING HOME ADMINISTRATORS
APPLICATION FOR LICENSURE – CONTINUED

NAME AND ADDRESS OF EMPLOYER					TYPE OF BUSINESS	
POSITION TITLE(S)	FROM		TO		NAME AND TITLE OF IMMEDIATE SUPERVISOR	
	MO.	YR.	MO.	YR.		
1.						
2.						
3.						
LIST DUTIES IN EACH POSITION TITLE LISTED ABOVE						
1.						
2.						
3.						
NAME AND ADDRESS OF EMPLOYER					TYPE OF BUSINESS	
POSITION TITLE(S)	FROM		TO		NAME AND TITLE OF IMMEDIATE SUPERVISOR	
	MO.	YR.	MO.	YR.		
1.						
2.						
3.						
LIST DUTIES IN EACH POSITION TITLE LISTED ABOVE						
1.						
2.						
3.						
NAME AND ADDRESS OF EMPLOYER					TYPE OF BUSINESS	
POSITION TITLE(S)	FROM		TO		NAME AND TITLE OF IMMEDIATE SUPERVISOR	
	MO.	YR.	MO.	YR.		
1.						
2.						
3.						

LIST DUTIES IN EACH POSITION TITLE LISTED ABOVE					
1.					
2.					
3.					
NAME AND ADDRESS OF EMPLOYER					TYPE OF BUSINESS
POSITION TITLE(S)		FROM		TO	
		MO.	YR.	MO.	YR.
1.					
2.					
LIST DUTIES IN EACH POSITION TITLE LISTED ABOVE					
1.					
2.					
VII. GENERAL					
1. NURSING HOME AFFILIATION (IF ANY)					
NAME OF FACILITY			STREET ADDRESS		
CITY	STATE		COUNTY	ZIP CODE	
BED CAPACITY	LICENSED BY MO. DIVISION OF AGING? <input type="checkbox"/> YES <input type="checkbox"/> NO		ADMINISTRATOR		
YOUR NAME AS YOU WISH IT TO APPEAR ON LICENSE			THIS DOCUMENT MUST BEAR APPLICANT'S NOTARIZED SIGNATURE		
PLEASE REFER TO THE INSTRUCTION SHEET WHEN COMPLETING THE APPLICATION. THE FOLLOWING ITEMS MUST ACCOMPANY THIS FORM:			3 OFFICIAL COLLEGE TRANSCRIPTS		
1 TWO (2) CURRENT LETTERS OF REFERENCE IN ADDITION TO ANY SUBMITTED BY PRESENT EMPLOYERS.			4 COPY OF HIGH SCHOOL DIPLOMA (ONLY IF NO COLLEGE HOURS HAVE BEEN OBTAINED).		
2 COPY OF BIRTH CERTIFICATE.			5 RECENT PHOTO (SNAPSHOT ACCEPTABLE).		
			6 MONEY ORDER FOR \$100.00 MADE PAYABLE TO THE DEPARTMENT OF HEALTH AND SENIOR SERVICES (NON-REFUNDABLE APPLICATION REVIEW FEE).		
I CERTIFY THAT THE ANSWERS I HAVE MADE TO EACH AND ALL OF THE QUESTIONS IN THIS APPLICATION ARE FULL AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.					
SIGNATURE			DATE		
NOTARY PUBLIC EMBOSSE OR BLACK INK RUBBER STAMP SEAL		STATE		COUNTY (OR CITY OF ST. LOUIS)	
SUBSCRIBED AND SWORN BEFORE ME, THIS		DAY OF		YEAR	
NOTARY PUBLIC SIGNATURE		MY COMMISSION EXPIRES		USE RUBBER STAMP IN CLEAR AREA BELOW.	
NOTARY PUBLIC NAME (TYPED OR PRINTED)					

AUTHORITY: section 344.070, RSMo 2000. This rule previously filed as 13 CSR 73-2.020. Original rule filed March 5, 1974, effective March 15, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Nursing Home Administrators, Diana Love, Executive Secretary, PO Box 570, 2023 St. Mary's Blvd., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules

PROPOSED AMENDMENT

[13] 19 CSR 73-2.025 Licensure by Reciprocity. The board is amending sections (2), (5), and (6).

PURPOSE: This amendment reflects revisions due to the transfer of the board from the Department of Social Services to the Department of Health and Senior Services, corrects the amount of the state exam fee that currently exists in 13 CSR 73-2.015 and 13 CSR 73-2.070 at the rate of seventy-five dollars (\$75), and revises the number of the rule referenced. It also corrects language that references a rescinded rule, 13 CSR 73-2.041.

(2) The applicant must file a notarized application for licensure, along with a nonrefundable application fee of one hundred dollars (\$100) made payable to the [director of revenue] **Department of Health and Senior Services**, and supply the board with satisfactory evidence that the following requirements have been met:

(5) Upon meeting the requirements of section (2) of this rule and upon board approval, the applicant must pay a [fifty-dollar (\$50)] **seventy-five dollar (\$75)** examination fee and successfully complete the state examination administered by the board. The minimum passing score on that examination is seventy-five percent (75%).

(6) If the applicant is unable to meet the requirements of subsection (2)(E) of this rule, but meets all other requirements of section (2), the candidate shall be considered an applicant for initial licensure pursuant to [13] 19 CSR 73-[2.041] **2.020(2)(E)**. If the results of that evaluation show that the applicant [has a minimum of three thousand six hundred (3600) points] **meets the criteria**, the board shall accept the applicant's passing of the national examination in another state if it was taken within three (3) years of the applicant's submission for licensure in Missouri. The applicant then must meet the requirements of section (5) of this rule by paying the examination fee and successfully complete the state examination administered by the board. If the applicant does not [possess a minimum of three thousand six hundred (3600) points] **meet the criteria**, the applicant will be required to complete a prescribed course of

instruction and training as outlined in [13] 19 CSR 73-[2.041] **2.031**.

AUTHORITY: section 344.070, RSMo [Supp. 1993] 2000. This rule previously filed as 13 CSR 73-2.025. Original rule filed June 28, 1990, effective Dec. 31, 1990. Emergency amendment filed Feb. 4, 1992, effective Feb. 14, 1992, expired June 12, 1992. Amended: Filed Feb. 14, 1992, effective June 25, 1992. Amended: Filed March 4, 1993, effective Aug. 9, 1993. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Nursing Home Administrators, Diana Love, Executive Secretary, PO Box 570, 2023 St. Mary's Blvd., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules

PROPOSED AMENDMENT

[13] 19 CSR 73-2.031 Prescribed Course of Instruction and Training. The board is amending section (6).

PURPOSE: This amendment revises the number of the rule referenced and removes the number of a rescinded rule, 13 CSR 73-2.041.

(6) Designated preceptors shall request in writing board approval to conduct an internship for an applicant who has been found not qualified for licensure by the board, based upon [13] 19 CSR 73-[2.041] **2.020**. Approval may be granted by the board if the preceptor—

AUTHORITY: section 344.070, RSMo [Supp. 1997] 2000. This rule previously filed as 13 CSR 73-2.031. Original rule filed May 13, 1980, effective Aug. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Nursing Home Administrators, Diana Love, Executive Secretary, PO Box 570, 2023 St. Mary's Blvd., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

*[Title 13—DEPARTMENT OF SOCIAL SERVICES]***Title 19—DEPARTMENT OF HEALTH****AND SENIOR SERVICES****Division 73—Missouri Board of Nursing Home****Administrators****Chapter 2—General Rules****PROPOSED AMENDMENT**

[13/ 19 CSR 73-2.050 Renewal of Licenses. The board is adding a new section (2), amending the existing section (2), subsection (2)(A), paragraph (2)(A)2., part (2)(B)1.B.(III), paragraph (2)(B)3., renumbering sections (2)–(4) and deleting the forms that follow the rule in the *Code of State Regulations*.

PURPOSE: *This amendment adds clarity to the renewal process by incorporating requirements set forth in section 344.040, RSMo 2000. It also changes the number of the rule referenced, and adjusts the clock hours for conducting internships to bring it in line with previous revisions to 13 CSR 73-2.031. Internships now required by the board range from five hundred (500) clock hours up to two thousand (2,000) clock hours.*

(2) Licensees seeking renewal shall, during the month of May of each year, file an application for renewal on a form furnished by the board, and shall submit a renewal fee of fifty dollars (\$50) made payable to the Department of Health and Senior Services.

[(2)] (3) As a requirement for renewal of license, a licensee shall provide the board, on the annual application form for license renewal, satisfactory evidence of twenty (20) clock hours of board-approved continuing education obtained during the current licensure year or carried from the preceding year. A minimum of five (5) clock hours must be in patient-care related offerings, as defined in **[13/ 19 CSR 73-2.031(2)(A)–(F)]** and must be obtained during the current licensure year.

(A) A minimum of fifteen (15) clock hours toward the twenty (20) required shall be obtained through attendance at board-approved continuing education programs or academic courses, as defined in **[13/ 19 CSR 73-2.031(2)(A)–(K)]**, and must meet the following criteria:

1. Be prior approved by the board. In the case of academic courses, the licensee must submit a course description from the college for board review. A maximum of five (5) clock hours per semester hour may be approved by the board. Upon successful completion of the course (grade of “C” or above), an official copy of the grade report must be submitted to the board office as verification of course completion;

2. Be offered by a registered training agency approved by the board or a single offering provider (as outlined in **[13/ 19 CSR 73-2.060]**);

3. Programs held out-of-state, may be considered for prior approval by the board upon submission of the following information:

A. Evidence that the program has been approved by another state licensure board for nursing home administrators or by the National Continuing Education Review Service (NCERS) under the National Association of Boards (NAB); and

B. A brochure or other detailed information from the program which must include: offering title, date and location; program objectives; speaker credentials; and a detailed agenda.

(B) A maximum of five (5) clock hours toward the twenty (20) required may be obtained as follows:

1. For the purposes of this subsection, the following definitions shall apply:

A. Referred publication—a publication that undergoes an anonymous review process that determines whether or not the article will be published; and

B. National health-care publication—a publication that is—

(I) Published by a health-care association whose mission statement/bylaws indicate its scope is national;

(II) Mailed nationwide; and

(III) Addressing content contained within the long-term care core of knowledge outlined in **[13/ 19 CSR 73-2.031(2)(A)–(K)]**;

2. Publishing health-care related articles of at least fifteen hundred (1,500) words shall be granted—

A. Five (5) clock hours if article appears in a national health-care referred publication;

B. Four (4) clock hours if article appears in a regional health-care referred publication;

C. Three (3) clock hours if article appears in a state health-care referred publication;

D. Two (2) clock hours if article appears in a national health-care publication; and

E. One (1) clock hour if article is published;

3. Serving as a registered preceptor for an applicant who has been required by the board to complete **[three hundred (300) clock hours of]** an internship as described in **[13/ 19 CSR 73-2.031]**. One (1) clock hour per full month as a preceptor shall be granted with a maximum of **[two (2)] five (5)** clock hours per internship; and

4. An administrator lecturing at a board-approved seminar may receive credit equal to each hour or quarter hour of presentation time with a maximum of three (3) hours credit earned per licensure year. This credit may be in addition to actual hours of attendance at the seminar but credit shall be granted for only one (1) presentation of the same seminar.

(C) Applicants who are initially licensed between January 1 and April 30 in any year need only to complete ten (10) clock hours of board-approved continuing education, at least two and one-half (2 1/2) of which must be in patient care-related offerings, for their first renewal period.

(D) Applicants who are initially licensed between May 1 and June 30 in any year need not complete any board-approved continuing education for their first renewal period.

(E) Licensees making application for renewal of license shall be responsible for filing evidence of continuing education clock hours with the executive secretary BEFORE the renewal application is approved by the board. The evidence submitted may be subject to audit and review by the board and additional documentation may be requested. To facilitate submission of any additional evidence to the board prior to expiration of licenses June 30, all renewal forms must be completed and received by the executive secretary prior to May 30. Information provided in the application shall be given under oath.

(F) Up to a maximum of fifteen (15) excess clock hours from subsection (2)(A), of continuing education may be carried forward to apply toward the renewal of license in the following year. However, the five (5) clock hours required in patient-care related offerings described in section (2) of this rule MUST be applied in the current year. Any excess hours will NOT be used to meet the next year's requirement of five (5) clock hours in patient-care related offerings.

[[3/]] (4) If an incomplete application is received by the board prior to May 30, the board shall grant the licensee a thirty (30)-day extension if needed, effective May 31. If an incomplete application is received by the board between May 31 and June 30, the board shall grant the licensee a thirty (30)-day extension, if needed, effective the date the incomplete application is received. An incomplete application shall not include an application that lacks completion of the continuing education requirements prior to June 30. The licensee shall submit a completed application within the thirty (30)-day period or the board may refuse to renew the license. The notarized renewal application, fee and supporting documentation must all be submitted to the board office prior to June 30 to avoid the late penalty fee of twenty-five dollars (\$25).

[/4/] (5) When the required information, documentation and fee are received and approved by the board within the specified time period, the board shall issue the annual license.

AUTHORITY: section 344.070, RSMo [Supp. 1995] 2000. This rule previously filed as 13 CSR 73-2.050. Original rule filed May 13, 1980, effective Aug. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Nursing Home Administrators, Diana Love, Executive Secretary, PO Box 570, 2023 St. Mary's Blvd., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

[Title 13—DEPARTMENT OF SOCIAL SERVICES]

Title 19—DEPARTMENT OF HEALTH

AND SENIOR SERVICES

Division 73—Missouri Board of Nursing Home

Administrators

Chapter 2—General Rules

PROPOSED AMENDMENT

[13/ 19 CSR 73-2.051 Retired Licensure Status. The board is amending subsections (2)(A), (5)(B) and (5)(C) and deleting the form that follows the rule in the *Code of State Regulations*.

PURPOSE: This amendment is necessary due to the transfer of the board from the Department of Social Services to the Department of Health and Senior Services and to revise the number of the referenced rule.

(2) Licensees interested in making application must submit the following information to the Board:

(A) A fee of twenty-five dollars (\$25) made payable to the **[Division of Aging] Department of Health and Senior Services;**

(5) A retired license may be reactivated within five (5) years of the granting of the retired license by filing the following information with the Board:

(B) A fee of fifty dollars (\$50) made payable to the **[Division of Aging] Department of Health and Senior Services;** and

(C) Satisfactory evidence of the completion of twenty (20) clock hours of board approved continuing education (including clock hours carried forward from the last renewal date), as described in **[13/ 19 CSR 73-2.050(2)(A) and (B),** for each calendar year the license was retired. All clock hours must be completed after the granting of the retired license or completed within the same licensure year the licensee was granted the retired license. The board may prorate the required clock hours for any portion of a calendar year as follows:

1. Ten (10) months or more, but less than twelve (12) months—twenty (20) clock hours (including a minimum of five (5) patient care hours);

2. Seven (7) months or more, but less than ten (10) months—fifteen (15) clock hours (including a minimum of five (5) patient care hours);

3. Four (4) months or more, but less than seven (7) months—ten (10) clock hours (including a minimum of two and one-half (2.5) patient care hours); or

4. Less than four (4) months—five (5) clock hours (including a minimum of two and one-half (2.5) patient care hours).

AUTHORITY: section 344.070, RSMo 2000. This rule previously filed as 13 CSR 73-2.051. Original rule filed Oct. 24, 2000, effective May 30, 2001. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Nursing Home Administrators, Diana Love, Executive Secretary, PO Box 570, 2023 St. Mary's Blvd., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

[Title 13—DEPARTMENT OF SOCIAL SERVICES]

Title 19—DEPARTMENT OF HEALTH

AND SENIOR SERVICES

Division 73—Missouri Board of Nursing Home

Administrators

Chapter 2—General Rules

PROPOSED AMENDMENT

[13/ 19 CSR 73-2.055 Renewal of Expired License. The board is amending sections (2), (4), and (6).

PURPOSE: This amendment revises the number of the referenced rule.

(2) The licensee must complete and forward to the board office a license renewal application (see **[13/ 19 CSR 73-2.050]**, along with the fifty[-]dollar (\$50) renewal fee, plus a twenty-five dollar (\$25) penalty fee. Satisfactory evidence of twenty (20) clock hours of board-approved continuing education, at least five (5) of which must be in patient care-related offerings, as defined in **[13/ 19 CSR 73-2.031(2)(A)–(F),** must also be submitted with the license renewal application. Information provided in the application shall be given under oath.

(4) The twenty (20) clock hours of board-approved continuing education must be obtained as described in **[13/ 19 CSR 73-2.050/(2)/(3)(A)** and may include clock hours as outlined in **[13/ 19 CSR 73-2.050/(2)/(3)(B)1.– 4.**

(6) A person whose license has expired for a period of more than twelve (12) months must meet the requirements set out in **[13/ 19 CSR 73-2.020** for initial licensure.

AUTHORITY: section 344.070, RSMo [Supp. 1995] 2000. This rule previously filed as 13 CSR 73-2.055. Original rule filed June 28, 1990, effective Dec. 31, 1990. Amended: Filed June 30, 1994, effective Feb. 1, 1995. Amended: Filed Jan. 31, 1996, effective July 30, 1996. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Nursing Home Administrators, Diana Love, Executive Secretary, PO Box 570, 2023 St. Mary's Blvd., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES

Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules

PROPOSED AMENDMENT

[13] 19 CSR 73-2.060 **Registration of Training Agencies and Single Offering Providers.** The board is amending section (1), subsection (1)(C), section (2), subsection (2)(C), and section (3) and deleting the forms that follow the rule in the *Code of State Regulations*.

PURPOSE: This amendment revises the number of the referenced rule and is necessary due to the transfer of the board from the Department of Social Services to the Department of Health and Senior Services.

(1) All organizations described in [13] 19 CSR 73-2.010[(6)] **(8)** which offer any course of study or program of instruction and training to prepare applicants for licensure as nursing home administrators or for the renewal of license as nursing home administrators shall register with the board.

(C) The program shall follow the long-term care core of knowledge areas as described in [13] 19 CSR 73-2.031(2). All approved training agencies must submit to the board office in advance, the following information regarding each program they wish to approve for nursing home administrator clock hours:

1. Date, time and location of presentation broken down into specific time periods, topic titles and speakers;
2. A program outline including the purpose and content objectives;
3. Statements regarding presenter qualifications in his/her particular subject matter area; and
4. Number of clock hours requested, deleting time allotted for breaks and lunch.

(2) Organizations or persons who do not qualify under [13] 19 CSR 73-2.010[(6)] **(8)** but who wish to sponsor education seminars shall submit three (3) copies of the application for approval of a single offering a minimum of forty-five (45) days in advance of the presentation.

(C) The program shall follow the long-term care core of knowledge areas as described in [13] 19 CSR 73-2.031(2).

(3) The education and training unit of the Missouri [Division of Aging] **Department of Health and Senior Services**, in order to provide topical education which may be of an immediate nature, shall be exempt from the forty-five (45)-day advance notice stipulation.

AUTHORITY: section 344.070, RSMo [Supp. 1993] **2000**. This rule previously filed as 13 CSR 73-2.060. Original rule filed May 13, 1980, effective Aug. 11, 1980. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Nursing Home Administrators, Diana Love, Executive Secretary, PO Box 570, 2023 St. Mary's Blvd., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES

Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules

PROPOSED AMENDMENT

[13] 19 CSR 73-2.080 **Temporary Emergency Licenses.** The board is amending subsection (1)(E) and deleting the forms that follow the rule in the *Code of State Regulations*.

PURPOSE: This amendment is necessary due to the transfer of the board from the Department of Social Services to the Department of Health and Senior Services.

(1) Application for a temporary emergency license shall be made to the executive secretary of the board. The application shall demonstrate that the applicant meets the requirements for a temporary emergency license as set forth in section 344.030.5[.], RSMo and shall include the following:

(E) A complete copy of the most recent statement of deficiencies from the Missouri [Division of Aging] **Department of Health and Senior Services** for the facility where the emergency exists; and

AUTHORITY: sections 344.030.4, RSMo [Supp. 1989] and 344.070, RSMo [Supp. 1993] **2000**. This rule previously filed as 13 CSR 73-2.080. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed Dec. 10, 1984, effective April 11, 1985. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Nursing Home Administrators, Diana Love, Executive Secretary, PO Box 570, 2023 St. Mary's Blvd., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

[Title 13—DEPARTMENT OF SOCIAL SERVICES]
**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**
**Division 73—Missouri Board of Nursing Home
Administrators**
Chapter 2—General Rules

PROPOSED AMENDMENT

[13] 19 CSR 73-2.085 Public Complaints. The board is amending section (2) and deleting the form that follows the rule in the *Code of State Regulations*.

PURPOSE: *This amendment is necessary due to the relocation and transfer of the board to the Department of Health and Senior Services.*

(2) Complaints should be mailed or delivered to the following address: State Board of Nursing Home Administrators, *[P. O. Box 1337, 615 Howerton Court]* **2023 St. Mary's Boulevard, PO Box 570**, Jefferson City, MO 65102. However, actual receipt of the complaint by the board at its administrative offices in any manner shall be sufficient. Complaints may be based upon personal knowledge, or upon information and belief, reciting information received from other sources.

AUTHORITY: *section 344.070, RSMo [Supp. 1993] 2000. This rule previously filed as 13 CSR 73-2.085. Original rule filed Oct. 4, 1988, effective March 15, 1989. Amended: Filed Jan. 3, 1992, effective May 14, 1992. Amended: Filed Jan. 31, 2003.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Nursing Home Administrators, Diana Love, Executive Secretary, PO Box 570, 2023 St. Mary's Blvd., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

[Title 13—DEPARTMENT OF SOCIAL SERVICES]
**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**
**Division 73—Missouri Board of Nursing Home
Administrators**
Chapter 2—General Rules

PROPOSED AMENDMENT

[13] 19 CSR 73-2.090 Disciplinary Action. The board is amending subsection (2)(E).

PURPOSE: *This amendment revises the number of the referenced rule.*

(2) The board may cause a complaint to be filed with the Administrative Hearing Commission as provided by Chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his/her certificate or registration or authority, permit or license for any one (1) or any combination of the following causes:

(E) Performing incompetent, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter (refer to **[13] 19 CSR 73-2.095** for a partial listing of those functions and duties);

AUTHORITY: *section 344.070, RSMo [Supp. 1993] 2000. This rule previously filed as 13 CSR 73-2.090. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Amended: Filed Dec. 4, 1989, effective March 1, 1990. Amended: Filed Jan. 31, 2003.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Nursing Home Administrators, Diana Love, Executive Secretary, PO Box 570, 2023 St. Mary's Blvd., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

[Title 13—DEPARTMENT OF SOCIAL SERVICES]
**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**
**Division 73—Missouri Board of Nursing Home
Administrators**
Chapter 2—General Rules

PROPOSED AMENDMENT

[13] 19 CSR 73-2.095 Standards of Professional Conduct. The board is amending subsection (1)(E).

PURPOSE: *This amendment is necessary due to the renumbering/move of the Division of Aging's rules to the Department of Health and Senior Services.*

(1) The administrator shall—

(E) Establish and enforce policies and procedures for all nursing home rules as stated in **[13 CSR 15] 19 CSR 30-82 through 19 CSR 30-89**;

AUTHORITY: *section 344.070, RSMo [Supp. 1993] 2000. This rule previously filed as 13 CSR 73-2.095. Original rule filed Jan. 19, 1988, effective April 11, 1988. Amended: Filed June 28, 1990, effective Dec. 31, 1990. Amended: Filed Jan. 31, 2003.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Nursing Home Administrators, Diana Love, Executive Secretary, PO Box 570, 2023 St. Mary's Blvd., Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 45—Records Management**

PROPOSED AMENDMENT

15 CSR 30-45.030 Local Records Grant Program Administration. The secretary is amending subparagraph (1)(C)3.A.

PURPOSE: This amendment provides the updated website address for accessing the online Guidebook and Application of the grants-in-aid program for local records preservation.

(1) The local records grant program, administered by the Office of the Secretary of State, provides financial assistance to local government officials to support records management and preservation efforts, particularly for records of permanent retention. This grants-in-aid program is a significant effort in the overall mission of the agency to enhance the quality of archival preservation and public access to records of enduring value.

(C) Procedures and Evaluation of Applications:

1. The Missouri Historical Records Advisory Board (MHRAB) recommends grant:

A. Activities, requirements and objectives;

B. Cost-sharing contributions, budget structure, payment benchmarks and accounting guidelines;

C. Calendars.

2. The MHRAB reviews and evaluates grant applications and recommends funding levels for award to the secretary of state.

3. The process to be followed in writing and submitting a grant proposal are found in the *Local Records Preservation Program Guidebook and Application*. All applicable guidelines, procedures and standards relating to the local records preservation grants-in-aid program are detailed in *Local Records Preservation Program Guidebook and Application* and the *Guidelines for Local Records Microfilming*.

A. Any interested person may obtain the most current version *Local Records Preservation Program Guidebook and Application* from either the Local Records Program, PO Box 1747, Jefferson City, MO 65102, 573-751-2798, or as of January 2004 the Secretary of State website: [<http://mosl.sos.state.mo.us/rec-man/localrec/grants/archlrg.html>] www.sos.mo.gov/archives/localrecs/grants/.

B. Paper copies of the most current version *Guidelines for Local Records Microfilming* are available from the Local Records Program, PO Box 1747, Jefferson City, MO 65102, (573)-751-2798.

AUTHORITY: sections 59.319 and 109.221, RSMo 2000. Emergency rule filed June 19, 1991, effective June 29, 1991, expired Oct. 28, 1991. Original rule filed June 19, 1991, effective Oct. 31, 1991. Amended: Filed Nov. 6, 1991, effective May 14, 1992. Rescinded and readopted: Filed July 27, 1999, effective Feb. 29, 2000. Rescinded and readopted: Filed Jan. 18, 2002, effective July 30, 2002. Amended: Filed Jan. 24, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, Local Records Program, Maria Hines, Grant Administrator, PO Box 1747, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days

after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 8—Lead Program**

PROPOSED RULE

19 CSR 20-8.030 Lead Poisoning Assessment, Testing, Follow-up, and Reporting

PURPOSE: This rule sets forth the criteria for determining high-risk areas for lead poisoning in Missouri; describes who is to perform blood lead testing, testing requirements in high-risk and non-high-risk areas; type of and when to use each type of blood test; follow-up steps for elevated blood lead levels; requirements for child care facility directors in high-risk areas; and reporting requirements for lead poisoning case follow-up activities.

(1) Definitions.

(A) Adult is any person eighteen years of age or older (≥ 18).

(B) ATSDR refers to the federal agency called the Agency for Toxic Substances and Disease Registry.

(C) Blood lead testing refers to the process of obtaining a blood sample, either by capillary or venous sample, and the analysis for lead content of the sample.

(D) Case Management refers to the collaborative process that assesses, plans, implements, coordinates, monitors and evaluates options and services to meet the health needs of an individual with lead poisoning to effectively reduce their lead level by using communication and available resources to promote quality, cost effective outcomes.

(E) CDC refers to the federal agency named the Centers for Disease Control and Prevention.

(F) Chelation is a physician-supervised medication treatment specifically meant to gradually remove lead from the body.

(G) Child (children), refers to a(all) child(ren) less than eighteen years of age (< 18).

(H) Childhood Blood Lead Testing and Follow-Up Guidelines refers to the time intervals at which confirmatory venous blood lead testing should be performed, the time intervals at which retesting of children should take place and the follow-up actions that should be undertaken based on the results of blood lead test results.

(I) Clearance testing refers to post-abatement clearance procedures that must be performed following abatement work at an elevated blood lead level (EBL) child's residence and are found in the Lead Abatement Work Practice Standards 19 CSR 30-70.630.

(J) Confirmatory blood lead test is a test for blood lead levels performed by venous blood sample.

(K) Department refers to the Missouri Department of Health and Senior Services (DHSS).

(L) Director refers to the Director of the Missouri Department of Health and Senior Services.

(M) Elevated blood lead (EBL) refers to a venous blood lead test result as defined by the Centers for Disease Control and Prevention. It is the minimum level at which specific medical and public health actions shall be followed to reduce the blood lead level to protect the health of the individual and prevent further harmful effects. The term is used interchangeably with the terms "lead poisoning" and "level of concern."

(N) EBL environmental risk assessment refers to an on-site investigation of the residence or other sites where a child having elevated blood lead levels as set forth in the current "MDHSS Lead Manual" spends more than ten (10) hours a week, in order to determine the

existence, nature, severity and location of lead hazards that are most likely the source of the elevated blood level in the child, and the report by the person conducting the risk assessment explaining the results of the investigation and options for reducing lead hazards. A trained person holding a valid Lead Risk Assessor License from the Missouri Bureau of Lead Licensing must perform an EBL environmental risk assessment.

(O) Follow-up blood lead testing refers to a blood lead test performed by venous sample either as confirmation of an elevated blood lead test result or those to be performed at intervals following a confirmed elevated blood lead test result. The intervals are described in the Childhood Blood Lead Testing and Follow-Up Guidelines and found in the current "MDHSS Lead Manual."

(P) Geographic area refers to any area that is easily identified by established or recognized boundaries and designated by the department for purposes of establishing high-risk or non-high-risk areas for lead poisoning.

(Q) Lead poisoning refers to any level of lead in the blood, but is most frequently used as the level at which specific health effects may occur, initiating specific health care and prevention steps. See Elevated Blood Lead.

(R) Lead poisoning case management refers to the collaborative process that assesses, plans, implements, coordinates, monitors and evaluates options and services to meet the health needs of an individual with lead poisoning to effectively reduce their lead level by using communication and available resources to promote quality, cost effective outcomes.

(S) Level of concern refers to the lead level in the blood at which specific health effects may occur and therefore specific health care and prevention steps should be initiated. The term is interchangeable with the terms "elevated blood lead (EBL)" and "lead poisoning."

(T) Minimum sample size refers to a quantity determined by a statistical formula, that incorporates acceptable sample error, desired confidence level and the size of the population universe of the population or area in question. The resulting sample size number, if confidence level and sampling error factor are selected appropriately, will provide very close results to reality in a population of samples, to allow confidence in a random sample selection representative of the real population. The formula used is: $n = (pq)/[(E/Z)^2 + (pq)/N]$

Definitions	Value
n = sample size	the calculated value
p = attribute %	0.12 (% children tested)
q = 1 - p	0.88
E = sampling error	0.03 (3%)
Z = numeric value of STD confidence level	1.96 (95%)
N = size of universe	Area specific population

(U) Missouri Department of Health and Senior Services (MDHSS) current "Lead Manual" is incorporated by reference in this rule, and refers to a department document that outlines procedures and guidelines for testing of the population and follow-up steps when a child has been identified with an elevated blood lead level.

(V) Patient lead information questionnaire refers to a series of questions that have been selected by the department in collaboration with the Department of Social Services, Division of Medical Services to determine whether there is a high risk for lead poisoning and are based on knowledge of the commonly known hazards that expose persons to lead poisoning.

(W) Reliable data refers to the data for a geographic area that meets the standards necessary for determining accurate testing percentages which are: at least a minimum sample size tested annually for three (3) consecutive years and at least ninety-five percent (95%)

of EBL and ninety percent (90%) of non-EBL with residential identification.

(X) Treatment refers to medical or health intervention procedures required in order to follow an identified elevated case of lead poisoning for the purposes of lowering and maintaining the blood lead level at or lower than the level of concern for an individual. The procedures and techniques may include but may not be limited to: case management, follow-up blood testing, medical management including chelation therapy, visits to the home by the nurse, education for improved health behavior (hygiene, improved cleaning techniques and improved nutrition), and social service intervention.

(2) Criteria Designating Geographic Areas as High-Risk for Lead Poisoning.

(A) High-Risk Criteria. High-risk determination in geographic areas determined by the department shall be based on the following criteria using the most current data, minimum sample size testing numbers meeting standards for residential identifiers, percent of pre-1950 housing and recent lead poisoning prevalence data for each area:

1. An area that meets the guidelines for designation of high-risk as set forth in Appendix A, included herein; or
2. An area that incorporates a currently operating lead mine, mill or smelter factory and/or a historically operated lead mill or smelter factory until it can be demonstrated that the prevalence rate of lead poisoning of children in the area or parts of the area meet the non-high-risk standards outline in subsection (2)(A) of this rule.

(B) Publishing of Areas. The department shall publish annually by April 1 (beginning April 1, 2004 or within ninety (90) days of the effective date of this rule, whichever is earlier) a listing of designated high-risk geographic areas, based on the childhood blood lead testing data from the most recent calendar year and other newly published official data as mentioned in paragraph (2)(C)1. of this rule. Each annual listing will be made available on the DHSS website.

(C) Reconfiguring Geographic Areas.

1. At the time of the annual lead data analysis described in section (2)(A) of this rule, the department may reconfigure geographic areas into smaller areas based on available census data, official population estimates, meeting acceptable margins of residential identification error for all lead tested children, new technology or software making it possible to accurately identify smaller areas, or an acceptable data-substantiated proposal made by a local health agency, as described in paragraph (2)(C)2. of this rule.

2. A local health agency may propose reconfiguration of the size or distribution of its high-risk areas, by submitting the proposal to the department by January 1 of each year. Supporting evidence must accompany the proposal. If the department adopts the proposal, it will be published in the annual listing.

(D) Maintenance or Change of High-Risk Status. High-risk status may be maintained or changed based on test results of a minimum sample size number of children in the geographic area during each of the previous three (3) consecutive years; and test results that have residential identifiers for ninety-five percent (95%) of the EBL children and no fewer than ninety percent (90%) of the non-EBL children during the same three (3) years and meet the high-risk criteria of subsection (2)(A) of this rule.

(E) Redesignation of Area Risk Status. The department may redesignate a previously designated high-risk geographic area, either totally or in part, as non-high-risk for lead poisoning, or conversely, a previously designated non-high-risk geographic area may be redesignated, either totally or in part, as high-risk for lead poisoning based on the criteria in subsection (2)(A) of this rule or other new substantiated evidence.

1. Smaller geographic areas must be defined by easily recognized boundaries that are approved by the department such as, but not limited to, census tracts, city blocks, or a defined distance from a known lead hazard.

2. An area that is designated non-high-risk when less than twenty-two percent (22%) (or the most current national average) of the housing was built prior to 1950 even though the prevalence rate is unknown and there is no evidence that children required to be tested by Federal Guidelines as described in subsection (3)(C) of this rule during a period of three (3) years is occurring, the area will be redesignated as high-risk by the state until a reliable prevalence rate can be determined.

3. A local health agency may propose a redesignation of area risk status, by submitting the proposal to the department by January 1 of each year. Supporting evidence must accompany the proposal. If the department adopts the proposal, it will be published in the annual listing.

(3) Assessment and Testing for Lead Poisoning.

(A) Areas Designated High-Risk. In areas designated high-risk for lead poisoning by the department, every child age six (6) months through seventy-two (72) months of age who are residing in such an area, shall be blood tested once annually for lead poisoning and according to other provisions pursuant to 701.340–701.344, RSMo except as in subsection (4)(B) of this rule.

(B) Areas Designated Non High-Risk. In areas designated non-high-risk for lead poisoning by the department, every child six (6) months through seventy-two (72) months of age spending more than ten (10) hours a week in areas identified high-risk for lead poisoning by the department, shall be blood lead tested annually. All other children six (6) months through seventy-two (72) months of age shall be assessed annually by the patient lead information questionnaire found in the current “MDHSS Lead Manual” and blood lead tested according to subsection (3)(D) of this rule or other provisions pursuant to 701.340–701.344, RSMo except as in subsection (4)(B) of this rule.

(C) Federal Program Guidelines. If children less than seventy-two (<72) months of age reside in an area designated non-high-risk for lead poisoning and are members of a program covered by federal guidelines that include lead risk assessment by questionnaire or by blood lead testing requirements, they shall be assessed by questionnaire or blood lead tested at the ages stipulated by the federal program guidelines except as in subsection (4)(B) of this rule.

(D) Positive Response Testing. A positive response to any question on the childhood patient lead information questionnaire shall require the performance of a blood lead test within a period described in the current “MDHSS Lead Manual,” except as in subsection (4)(B) of this rule.

(4) Written Evidence of Testing or Refusal.

(A) Testing. Written evidence of a blood lead test on a child that is less than seventy-two (<72) months of age shall be provided to the parent or guardian by the licensed professional prescribing the test. The evidence shall include the name of the child, the child’s date of birth, the type of test sample that was taken, the date the sample was taken, and the signature and address of the licensed professional prescribing the test.

(B) Refusal of Blood Lead Testing. If a child less than seventy-two (<72) months of age is identified as being at risk for lead poisoning for any reason and the parent or guardian refuses the performance of a blood lead test, they shall do so in a written statement. Only the parent or guardian of the child may refuse the blood lead test. The written refusal statement shall become a part of the child’s medical record and shall include the child’s name, reason for refusal, date of refusal, full residential address including the zip code of the parent or guardian refusing the test, the relationship of the parent or guardian to the child, and that the parent or guardian was informed of the long-term health risks of refusing blood lead testing.

(5) Blood Lead Testing.

(A) Blood Test Types. Blood lead testing shall be performed by obtaining a capillary or venous sample.

(B) Methodologies. Both capillary and venous sampling shall follow blood collection methodologies as described in the current “MDHSS Lead Manual.”

(C) Confirmation Test. Capillary blood sampling results identified at or above the level of concern, shall be confirmed using a venous blood sample test. All confirmatory blood lead testing, including all retesting intervals, shall be completed using venous blood according to the testing intervals listed in the Childhood Blood Lead Testing and Follow-Up Guidelines found in the current “MDHSS Lead Manual.”

(D) Equipment. All samples shall be obtained using lead-free blood collection devices. Only those laboratories certified to perform blood lead analysis by the Federal Clinical Laboratory Improvement Act (CLIA) shall analyze blood samples. Health care providers submitting blood lead samples shall follow the criteria, procedures, and devices for submitting blood lead samples established by the Certified Laboratory to which they are submitting.

(6) Fee for Blood Lead Test Analysis. The State Public Health Laboratory shall charge a fee of sixteen dollars and fifty cents (\$16.50) for each blood lead test performed by the laboratory. Such fee may be waived by the director of the Department of Health and Senior Services during an epidemiological investigation of vital importance to the public health.

(7) Follow-Up of Elevated Blood Lead Levels.

(A) Responsibility. Responsibility for implementing measures for the control and management of childhood EBL cases are referenced in 19 CSR 20-20.040.

(B) Guidelines. Guidelines for follow-up testing, treatment, case management and environmental management of EBL cases are found in the current “MDHSS Lead Manual.”

(8) Reporting of Childhood Blood Lead Testing and EBL Follow-Up.

(A) Blood Lead Testing. Requirements for reporting by the medical providers, the laboratories performing the blood lead analysis and Local Public Health Agencies are found in 19 CSR 20-20.020, 19 CSR 20-20.070, and 19 CSR 20-20.080.

(B) Confidentiality. Requirements regarding the maintenance of confidentiality and release of information are found in sections 701.328(1) and (2), RSMo.

(C) Case Management. Reporting requirements of EBL case management activities for children less than the age of seventy-two (<72) months shall be as follows:

1. Responsibility.

A. A physician, a physician assistant, nurse, hospital, clinic or other private or public institution providing EBL case management for a child shall provide information regarding each case to the department or to the Local Public Health Agency.

B. The local public health agency shall forward case management information to the department using the department forms and reporting frequency guidelines as set forth in the current “MDHSS Lead Manual.” Record retention policies should follow current industry guidelines.

2. Information. When a child EBL case becomes eligible for the initiation of case management activities according to the Childhood Blood Lead Testing and Follow-Up Guidelines in the current “MDHSS Lead Manual,” information regarding all case management events shall be reported as described in subparagraph (7)(C)1.A. of this rule. The case management information to be reported shall include: name of agency performing case management, patient name, date of birth, residential address including zip code, date when first diagnosed, laboratory test results, whether and when chelation therapy was initiated, interventions undertaken, dates and results of follow-up testing, date of and reason for closure of case management.

(D) Environmental Management. The state licensed Lead Risk Assessor responsible for conducting the EBL environmental risk

assessment and the development of a management plan for reducing the hazards identified shall prepare reports pursuant to 19 CSR 30-70.620 using forms set forth in the current "MDHSS Lead Manual" and simultaneously provide to the department, a copy of the report sent to the property owner. A report of the date of completion of the plan, including clearance testing results, shall be sent to the department within thirty (30) days of completion of the work. If EBL is determined to be due to an environmental release of lead from a mine, mill or smelter or some other current or historical lead industry that the department will notify the Missouri Department of Natural Resources.

(9) Child Care Facility Requirements in Geographic Areas Designated High-Risk for Lead Poisoning.

(A) Enrollment. All child care facilities, as defined in section 701.344, RSMo that are located in a geographic area designated as high-risk for lead poisoning, shall, within thirty (30) days of enrolling a child, require the child's parent or guardian to provide evidence of blood lead poisoning testing performed within the previous twelve (12) months, in written format from the health care professional that administered the test, as described in 19 CSR 20-8.030(4)(A) and provide assistance to achieve blood testing as stated in 701.340-701.349, RSMo.

(B) Refusal of Testing. Parents or guardians who object to the test shall do so in a written refusal statement as stated in 19 CSR 20-8.030(4)(B).

(C) Frequency. At the beginning of each year of enrollment at any of the facilities described in 19 CSR 20-8.030(8)(A), the parent or guardian shall provide proof of testing or written statement of refusal. The evidence of testing or refusal will not be considered valid at any facility located in an area designated high-risk for lead poisoning if it is not dated within the previous twelve (12) months.

Appendix A Guidelines For Determining High Risk Areas for Lead Poisoning

The table is an adaptation of the "Guidelines for choosing an appropriate screening recommendation" in CDC Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials, November 1997, p 50. These guidelines were adopted by the State of Missouri Governor's Advisory Committee for Lead Poisoning on December 17, 2001. Using census 2000 housing has dropped the national average for pre-1950 housing to 22%.

% Children ages 6-72 months with EBLs ≥ 10 $\mu\text{g}/\text{dl}$ ¹	% Housing built before 1950 ²	Risk Recommendation
$\geq 12\%$	—	High-risk
< 12% reliable data	$\geq 22\%$	Non-high-risk
3-12 %	< 22%	% EBL children based on reliable data = Non-high-risk % EBL Children based on unreliable data = High-risk
< 3%	< 22%	% EBL children based on reliable data = Non-high-risk
Unknown	$\geq 22\%$	High-risk
Unknown	< 22%	Non-high-risk ³

¹ $\mu\text{g}/\text{dl}$ = micrograms per deciliter

² Pre-1950 housing percentage is based on 2000 census data.

³ If an area that is designated non-high-risk because the prevalence rate is unknown and less than 22% of their housing is pre-1950, does not test the children as required by Federal Program Guidelines as described in subsection (3)(C) during a period of three (3) years, they will be redesignated as high-risk until a reliable prevalence rate can be determined.

AUTHORITY: sections 701.340 through 701.349, RSMo Supp. 2001. Original rule filed Feb. 3, 2003.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions two thousand seven hundred ninety dollars (\$2,790) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities \$1,056,360 annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Bryant McNally, Director, Division of Environmental Health and Communicable Disease Prevention, PO Box 570, 930 Wildwood, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: 19 – Department of Health and Senior Services

Division: 20 Environmental Health and Communicable Disease Prevention

Chapter: 8 – Lead Program

Type of Rule Making: Proposed

Rule Number and Name: 19 CSR 20-8.030 Lead Poisoning Assessment, Testing, Follow-up and Reporting

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
MDHSS	\$2,790.00 annually

III. WORKSHEET

Mass mailing

- ☐ All registered/licensed providers in the state approximately 13,500
- ☐ Licensed nurse practitioners approximately 3,500

Print 17,000 copies of 4 single pages with cover letter 3 pages @\$0.075/pack \$1,275.00

Cleaning address data for unusable addresses \$ 240.00

Cost of stuffing 17,000 envelopes @ .075/packet \$1,275.00

Total \$2,790.00

IV. ASSUMPTIONS

- ☐ No other costs necessary because funding is already available for:
 - All Medicaid tests;
 - Number of tests that are currently being conducted;
 - Other tests analyzed by the state lab;
 - Office visits – lead testing functions are performed as part of routine well-child check-ups.
- ☐ Any additional tests not covered by the above circumstances should be conducted by the private sector.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 19 – Department of Health and Senior Services

Division: 20 – Environmental Health and Communicable Disease Prevention

Chapter: 8 – Lead Program

Type of Rule Making: Proposed

Rule Number and Name: 19 CSR 20-8.030 Lead Poisoning Assessment, Testing, Follow-up and Reporting

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities.
303	Private-pay individuals/Group Health Insurance Cos/HMOs	\$1,056,360 annually

III. WORKSHEET

- ☐ **Additional tests with the rule in place** = **216,672**
- ☐ **Less Medicaid funded tests** = **-123,917**
 - Of the 64,214 children lead-tested in 2001, 36,847 (57%) were on Medicaid.
203,926 x 57% = 116,238 -- 9,298 x 57% = 5,300
 - Of the 540 children with an EBL greater than or equal to 20 µg/dl in 2001, 370 (69%) were on Medicaid. 3,448 x 69% = 2379
- ☐ **State Public Health Laboratory Capacity to perform additional tests** = **-22,331**
 - Provided via the statute fiscal note calculations.
- ☐ **Additional tests to be covered by the private sector** = **70,424**
- ☐ **Cost per test analysis based on Medicaid reimbursement rate** = **x \$15**
- ☐ **Total cost to the private sector for test analyses** = **\$1,056,360**
- ☐ Cost for the physician office visit is assumed to be \$0 as functions related to lead testing are performed as part of routine well-child check-ups.

IV. ASSUMPTIONS

- ☐ **Total children expected to be tested (based on the following)** = **268,140**
 - 100% of children in High Risk St. Louis City 30,103
 - 80% of children in all other High Risk Counties 190,843
 - 80% of the 1 and 2 year olds in Low Risk Counties 45,764
-- (because of Medicaid requirements)
 - 5% of the 3 to 6 year olds in Low Risk Counties. 1,430

❑	Less number of children tested during 2001	=	<u>-64,214</u>
	<ul style="list-style-type: none"> • St. Louis City 12,789 • All other <u>High</u> Risk Counties 34,629 • All <u>Low</u> Risk Counties 16,796 		
❑	Additional children to be tested with the rule in place	=	203,926
	<ul style="list-style-type: none"> • St. Louis City 17,314 • All other <u>High</u> Risk Counties 156,214 • All <u>Low</u> Risk Counties 30,398 		
❑	Prevalence rates (%) of elevated blood lead level (EBL) children must then be factored in because follow-up blood tests are required. Calculations are separated by St. Louis City, all other high risk areas, and all low risk areas because of the disparities in population sizes and prevalence rates as shown below.		
❑	Add one additional test for each EBL greater than or equal to 10 µg/dl	=	9,298
	<ul style="list-style-type: none"> • St. Louis City $17,314 \times 16.1\% = 2,788$ • All other <u>High</u> Risk Counties $156,214 \times 3.7\% = 5,780$ • All <u>Low</u> Risk Counties $30,398 \times 2.4\% = 730$ 		
❑	Add three additional tests for each EBL greater than or equal to 20 µg/dl	=	<u>3,448</u>
	<ul style="list-style-type: none"> • St. Louis City $17,314 \times 2.5\% \times 3 = 1,299$ • All other <u>High</u> Risk Counties $156,214 \times 0.4\% \times 3 = 1,875$ • All <u>Low</u> Risk Counties $30,398 \times 0.3\% \times 3 = 274$ 		
❑	Additional tests with the rule in place	=	216,672

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Health Standards and Licensure
Chapter 1—Controlled Substances**

PROPOSED AMENDMENT

19 CSR 30-1.002 Schedules of Controlled Substances. The department is amending section (1).

PURPOSE: This amendment adds drugs to the list of controlled substances in order to comply with the federal list of controlled substances as required by section 195.015, RSMo.

(1) Schedules of Controlled Substances.

(A) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section. Each drug or substance has been assigned the Drug Enforcement Administration (DEA) Controlled Substances Code Number set forth opposite it.

1. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

A. Acetyl-alpha-methylfentanyl (N-(1-(1-methyl-2-phenethyl)-4-piperidinyl)-N-phenylacetamide)	9815
B. Acetylmethadol	9601
C. Allylprodine	9602
D. Alphacetylmethadol (except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol levo-thadyl acetate or LAAM)	9603
E. Alphameprodine	9604
F. Alphamethadol	9605
G. Alpha-methylfentanyl (N-1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl) propionanilide; 1-(1-methyl-2-phenylethyl)-4 ((N-propanilido) piperidine)	9814
H. Alpha-methylthiofentanyl (N-(1-methyl-2-(2-thienyl) ethyl-4-piperidinyl)-N-phenylpropanamide)	9832
I. Benzethidine	9606
J. Betacetylmethadol	9607
K. Beta-hydroxyfentanyl (N-(1-(2-hydroxy-2-phenethyl)-4-piperidinyl)-N-phenylpropanamide)	9830
L. Beta-hydroxy-3-methylfentanyl (other name: N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide)	9831
M. Betameprodine	9608
N. Betamethadol	9609
O. Betaprodine	9611
P. Clonitazene	9612
Q. Dextromoramide	9613
R. Diampromide	9615
S. Diethylthiambutene	9616
T. Difenoxin	9168
U. Dimenoxadol	9617
V. Dimepheptanol	9618
W. Dimethylthiambutene	9619
X. Dioxaphetyl butyrate	9621
Y. Dipipanone	9622
Z. Ethylmethylthiambutene	9623
AA. Etonitazene	9624
BB. Etixeridine	9625
CC. Furethidine	9626
DD. Hydroxypethidine	9627

EE. Ketobemidone	9628
FF. Levomoramide	9629
GG. Levophenacymorphan	9631
HH. 3-Methylfentanyl (N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide), its optical and geometric isomers, salts and salts of isomers	9813
[[I. Morpheridine	9632]
[JJ.] II. 3-Methylthiofentanyl (N-((3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide)	9833
JJ. Morpheridine	9632
KK. MPPP (1-methyl-4-phenyl-4-propionoxypiperidine)	9661
LL. Noracymethadol	9633
MM. Norlevorphanol	9634
NN. Normethadone	9635
OO. Norpipanone	9636
PP. Para-fluorofentanyl (N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-piperidinyl) propanamide	9812
[PP.] QQ. PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine)	9663
[QQ. Para-fluorofentanyl (N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-piperidinyl) propanamide	9812]
RR. Phenadoxone	9637
SS. Phenampromide	9638
TT. Phenomorphan	9647
UU. Phenoperidine	9641
VV. Piritramide	9642
WW. Proheptazine	9643
XX. Properidine	9644
YY. Propiram	9649
ZZ. Racemoramide	9645
AAA. Thiofentanyl (N-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-propanamide	9835
[AAA.] BBB. Tilidine	9750
[BBB. Thiofentanyl (N-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-propanamide	9835]
CCC. Trimeperidine	9646
2. Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:	
A. Acetorphine	9319
B. Acetyldihydrocodeine	9051
C. Benzylmorphine	9052
D. Codeine methylbromide	9070
E. Codeine-N-Oxide	9053
F. Cyprenorphine	9054
G. Desomorphine	9055
H. Dihydromorphine	9145
I. Drotebanol	9335
J. Etorphine (except hydrochloride salt)	9056
K. Heroin	9200
L. Hydromorphanol	9301
M. Methyl-desorphine	9302
N. Methyl-dihydromorphine	9304
O. Morphine methylbromide	9305
P. Morphine methylsulfonate	9306
Q. Morphine-N-Oxide	9307
R. Myrophine	9308
S. Nicocodeine	9309
T. Nicomorphine	9312
U. Normorphine	9313

V. Pholcodeine	9314	plant, its seeds or extracts;	
W. Thebacon	9315	/W./ Y. N-ethyl-3-piperidyl benzilate	7482
3. Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation, which contains any quantity of the following hallucinogenic substances or which contains any of its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation (For purposes of paragraph (1)(A)3. of this rule only, the term isomer includes the optical, position and geometric isomers.):		/X./ Z. N-methyl-3-piperidyl benzilate	7484
A. Alpha-ethyltryptamine	7249	/Y./ AA. Psilocybin	7437
Some trade or other names: etryptamine; Monase; alpha-ethyl-1H-indole-3-ethenamine; 3-(2-aminobutyl)indole; alpha-ET and AET;		/Z./ BB. Psilocyn	7438
B. Benzylpiperazine or other name BZP	7493	/AA./ CC. Tetrahydrocannabinols	7370
/B./ C. 4-bromo-2,5-dimethoxyamphetamine	7391	Synthetic equivalents of the substances contained in the plant or in the resinous extractives of Cannabis, sp, synthetic substances, derivatives and their isomers, or both, with similar chemical structure and pharmacological activity such as the following:	
Some trade or other names: 4-bromo-2, 5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;		(I) D 1 cis or trans tetrahydrocannabinol and their optical isomers;	
/C./ D. 4-bromo-2,5-dimethoxyphenethylamine	7392	(II) D 6 cis or trans tetrahydrocannabinol and their optical isomers; and	
/D./ E. 2,5-dimethoxyamphetamine	7396	(III) D 3, 4 cis or trans tetrahydrocannabinol and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.);	
Some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA;		/BB./ DD. Ethylamine analog of phencyclidine	7455
/E./ F. 2,5-dimethoxy-4-ethylamphetamine	7399	Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl)-ethylamine, cyclohexamine, PCE;	
//Some trade or other names: DOET//		/CC./ EE. Pyrrolidine analog of phencyclidine	7458
G. 2,5-dimethoxy-4-(n)-propylthiophenethylamine		Some trade or other names: 1(1-phenylcyclohexyl)-pyrrolidine PCPy, PHP;	
/F./ H. 4-methoxyamphetamine	7411	/DD./ FF. Thiophene analog of phencyclidine	7470
Some trade or other names: 4-methoxy-a-methyl-phenethylamine; paramethoxyamphetamine; PMA;		Some trade or other names: 1-(1-(2-thienyl)-cyclohexyl)-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP;	
/G./ I. 5-methoxy-3,4-methylenedioxyamphetamine	7401	GG. Trifluoromethylphenylpiperazine or other name TFMPP;	
/H./ J. 4-methyl-2,5-dimethoxyamphetamine	7395	/EE./ HH. 1-(1-(2-thienyl)cyclohexyl) pyrrolidine	7473
Some trade and other names: 4-methyl-2, 5-dimethoxy-a-methylphenethylamine; DOM; and STP;		Some other names: TCPy.	
/I./ K. 3,4-methylenedioxy amphetamine	7400	4. Depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:	
/J./ L. 3,4-methylenedioxymethamphetamine (MDMA)	7405	A. Gamma-hydroxybutyric acid and other names GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutonic acid; sodium oxybate; sodium oxybutyrate;	
/K./ M. 3,4-methylenedioxy-N-ethylamphetamine		/A./ B. Mecloqualone	2572
(also known as N-ethyl-alpha-methyl-3,4 (methyl-enedioxy) phenethylamine, N-ethyl MDA, MDE and MDEA)	7404	/B./ C. Methaqualone	2565
/L./ N. N-hydroxy-3,4-methylenedioxyamphetamine		5. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:	
(also known as N-hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine and N-hydroxy MDA)	7402	A. Aminorex;/	1585
/M./ O. 3,4,5-trimethoxy amphetamine	7390	Some trade or other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-phenyl-2-oxazolamine;	
/N./ P. Bufotenine	7433	B. Cathinone (Some trade or other names: 2-amino-1-phenyl-1-propanone, alphaaminopropiophenone, 2-aminopropiophenone and norephedrone)	1235
Some trade and other names: 3-(b-dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;		C. Fenethylamine	1503
/O./ Q. Diethyltryptamine	7434	D. Methcathinone	1585
Some trade and other names: N, N-diethyltryptamine; DET;		Some trade or other names: 2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinine; AL-464; AL-422; AL-463 and URI 432; its salts, optical isomers and salts of optical isomers;	
/P./ R. Dimethyltryptamine	7435	E. (±)cis-4-methylaminorex ((±)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine)	1590
Some trade or other names: DMT;		F. N-ethylamphetamine	1475
/Q./ S. Ibogaine	7260		
Some trade and other names: 7-Ethyl-6,6b,7,8,9,10,12,13-octahydro-2-methoxy-6, 9-methano-5H-pyrido (1',2':1,2) azepino (5, 4-b) indole; Tabernanthe iboga;			
/R./ T. Lysergic acid diethylamide	7315		
/S./ U. Marihuana	7360		
Some trade or other names: marijuana;			
/T./ V. Mescaline	7381		
/U./ W. Parahexyl	7374		
Some trade or other names: 3-Hexyl-1-Hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo(b,d)pyran; Synhexyl;			
/V./ X. Peyote	7415		
Meaning all parts of the plant presently classified botanically as <i>Lophophora williamsii</i> Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such			

G. N,N-dimethylamphetamine 1480
(some other names: N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine), its salts, optical isomers and salts of optical isomers.

6. A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture or preparation which contains any quantity of the following substances:

- A. N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers 9818
- B. N-(1-(2-thienyl) methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers 9834

(B) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section. Each drug or substance has been assigned the Controlled Substances Code Number set forth opposite it.

1. Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, Schedule II shall include any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis opium and opiate; and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine, nalmeferine, naloxone and naltrexone and their respective salts, but including the following:

- A. Raw opium 9600
- B. Opium extracts 9610
- C. Opium fluid 9620
- D. Powdered opium 9639
- E. Granulated opium 9640
- F. Tincture of opium 9630
- G. Codeine 9050
- H. Ethylmorphine 9190
- I. Etorphine hydrochloride 9059
- J. Hydrocodone 9193
- K. Hydromorphone 9150
- L. Metopon 9260
- M. Morphine 9300
- N. Oxycodone 9143
- O. Oxymorphone 9652
- P. Thebaine 9333

Any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1)(B)1. of this rule shall be included in Schedule II, except that these substances shall not include the isoquinoline alkaloids of opium; opium poppy and poppy straw; coca leaves 9040 and any salt, compound, derivative or preparation of coca leaves including cocaine 9041 and ecgonine 9180

and their salts, isomers, derivatives and salts of isomers and derivatives and any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine 9041 or ecgonine 9180

and concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy) 9670

2. Opiates. Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

tence of such isomers, esters, ethers and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

- A. Alfentanil 9737
- B. Alphaprodine 9010
- C. Anileridine 9020
- D. Bezitramide 9800
- E. Bulk [*Dextropoxyphene*] **Dextropoxyphene** (Non-dosage Forms) 9273
- F. Butyl-nitrite no designated number
- G. Carfentanil 9743
- H. Dihydrocodeine 9120
- I. Diphenoxylate 9170
- J. Fentanyl 9801
- K. Isomethadone 9226
- L. Levo-alphaacetylmetadone 9220

[[[Some other names: levo-alphaacetylmetadone, levomethadyl acetate, LAAM]]]

- M. Levomethorphan 9210
- N. Levorphanol 9220
- O. Metazocine 9240
- P. Methadone 9250
- Q. Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane 9254
- R. Moramide-Intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid 9802
- S. Pethidine (Meperidine) 9230
- T. Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine 9232
- U. Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate 9233
- V. Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid 9234
- W. Phenazocine 9715
- X. Piminodine 9730
- Y. Racemethorphan 9732
- Z. Racemorphan 9733
- AA. Remifentanil 9739
- BB. Sufentanil 9740

3. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- A. Amphetamine, its salts, optical isomers and salts of its optical isomers 1100
- B. Methamphetamine, its salts, isomers and salts of its isomers 1105
- C. Phenmetrazine and its salts 1631
- D. Methylphenidate 1724

4. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- A. Amobarbital 2125
- B. Glutethimide 2550
- C. Pentobarbital 2270
- D. Phencyclidine 7471
- E. Secobarbital 2315

5. Hallucinogenic substances:

- A. Nabilone 7379

[[[Another name for nabilone: (±)trans-3-(1, 1-dimethylheptyl)-6, 6a,7,8,10,10a-hexahydro-1-hydroxy-6, 6-dimethyl-9H-dibenzo(b,d)pyran-9-one.]]]

6. Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances:

A. Immediate precursor to amphetamine and methamphetamine:

(I) Phenylacetone 8501

Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone;

B. Immediate precursors to phencyclidine (PCP):

(I) 1-phenylcyclohexylamine 7460

(II) 1-piperidinocyclohexane-carbonitrile (PCC) 8603

(C) Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

1. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

A. Those compounds, mixtures or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures or preparations were listed on August 25, 1971, as excepted compounds under section 308.32 and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances 1405

B. Benzphetamine 1228

C. Chlorphentermine 1645

D. Clortermine 1647

E. Phendimetrazine 1615

2. Depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

A. Any compound, mixture or preparation containing:

(I) Amobarbital 2126

(II) Secobarbital 2316

(III) Pentobarbital 2271

or any salt thereof and one (1) or more other active medicinal ingredients which are not listed in any schedule;

B. Any suppository dosage form containing:

(I) Amobarbital 2126

(II) Secobarbital 2316

(III) Pentobarbital 2271

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

C. Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof 2100

D. Chlorhexadol 2510

E. Any drug product containing gamma hydroxybutyric acid, including its salts, isomers and salts of isomers, for which an application is approved under section 505 of the Federal Food, Drug and Cosmetic Act;

/E./ F. Ketamine 7285

/F./ G. Lysergic acid 7300

/G./ H. Lysergic acid amide 7310

/H./ I. Methyprylon 2575

/I./ J. Sulfondiethylmethane 2600

/J./ K. Sulfonethylmethane 2605

/K./ L. Sulfonmethane 2610

/L./ M. Tiletamine and zolazepam or any salt thereof 7295

Some trade or other names for a tiletamine-zolazepam combination product: Telazol. Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Some trade or other names for zolazepam: 4-(2-fluorophenyl)-6-8-dihydro-1,3,8-trimethylpyrazolo-(3,4-e) (1,4)-diazepin-7(1H)-one, flupyrzapon.

3. Nalorphine 9400

4. Narcotics drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing limited quantities of any of the following narcotic drugs or any salts thereof:

A. Not more than 1.8 grams of codeine per one hundred milliliters (100 ml) or not more than ninety milligrams (90 mg) per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium 9803

B. Not more than 1.8 grams of codeine per one hundred milliliters (100 ml) or not more than ninety milligrams (90 mg) per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts 9804

C. Not more than three hundred milligrams (300 mg) of hydrocodone per one hundred milliliters (100 ml) or not more than fifteen milligrams (15 mg) per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium 9805

D. Not more than three hundred milligrams (300 mg) of hydrocodone per one hundred milliliters (100 ml) or not more than fifteen milligrams (15 mg) per dosage unit, with one (1) or more active nonnarcotic ingredients in recognized therapeutic amounts 9806

E. Not more than 1.8 grams of dihydrocodeine per one hundred milliliters (100 ml) or not more than ninety milligrams (90 mg) per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts 9807

F. Not more than three hundred milligrams (300 mg) of ethylmorphine per one hundred milliliters (100 ml) or not more than fifteen milligrams (15 mg) per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts 9808

G. Not more than five hundred milligrams (500 mg) of opium per one hundred milliliters (100 ml) or per one hundred grams (100 g) or not more than twenty-five milligrams (25 mg) per dosage unit, with one (1) or more active nonnarcotic ingredients in recognized therapeutic amounts 9809

H. Not more than fifty milligrams (50 mg) of morphine per one hundred milliliters (100 ml) or per one hundred grams (100 g), with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts 9810

5. Anabolic steroids. Unless specially excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, isomers and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation. DEA has assigned code 4000 for all anabolic steroids.

A. Boldenone

B. Chlorotestosterone (4-Chlortestosterone)

C. Clostebol

D. Dehydrochlormethyltestosterone

E. Dihydrotestosterone (4-Dihydrotestosterone)

F. Drostanolone

G. Ethylestrenol

H. Fluoxymesterone

I. Formebolone (Formebolone)

J. Mesterolone

/J./ K. Methandienone

L. Methandranone

M. Methandriol

N. Methandrostenolone

O. Methenolone

P. Methyltestosterone
Q. Mibolerone
R. Nandrolone
S. Norethandrolone
T. Oxandrolone
U. Oxymesterone
V. Oxymetholone
W. Stanolone
X. Stanozolol
Y. Testolactone
Z. Testosterone
AA. Trenbolone

BB. Any salt, ester, or isomer of a drug or substance described or listed in this subparagraph, if that salt, ester or isomer promotes muscle growth except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of Health and Human Services for that administration.

6. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product 7369

(Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6.6.9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.)

(D) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

1. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing limited quantities of any of the following narcotic drugs or any salts thereof:

A. Not more than one milligram (1 mg) of difenoxin (DEA Drug Code No. 9618) and not less than twenty-five micrograms (25 mcg) of atropine sulfate per dosage unit;

B. Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane) 9278

C. Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one (1) or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(I) Not more than two hundred milligrams (200 mg) of codeine per one hundred milliliters (100 ml) or per one hundred grams (100 g);

(II) Not more than one hundred milligrams (100 mg) of dihydrocodeine per one hundred milliliters (100 ml) or per one hundred grams (100 g); or

(III) Not more than one hundred milligrams (100 mg) of ethylmorphine per one hundred milliliters (100 ml) or per one hundred grams (100 g).

2. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

A. Alprazolam 2882
B. Barbital 2145
C. Bromazepam 2748
D. Camazepam 2749
E. Chloral betaine 2460
F. Chloral hydrate 2465

G. Chlordiazepoxide 2744
H. Clobazam 2751
I. Clonazepam 2737
J. Clorazepate 2768
K. Clotiazepam 2752
L. Cloxazolam 2753
M. Delorazepam 2754
N. Diazepam 2765
O. Dichloralphenazone 2467
/O./ P. Estazolam 2756
/P./ Q. Ethchlorvynol 2540
/Q./ R. Ethinamate 2545
/R./ S. Ethyl loflazepam 2758
/S./ T. Fludiazepam 2759
/T./ U. Flunitrazepam 2763
/U./ V. Flurazepam 2767
/V./ W. Halazepam 2762
/W./ X. Haloxazolam 2771
/X./ Y. Ketazolam 2772
/Y./ Z. Loprazolam 2773
/Z./ AA. Lorazepam 2885
/AA./ BB. Lormetazepam 2774
/BB./ CC. Mebutamate 2800
/CC./ DD. Medazepam 2836
/DD./ EE. /Deprobamate/ Meprobamate 2820
/EE./ FF. Methohexital 2264
/FF./ GG. Methylphenobarbital (Mepho/-barbital) 2250
/GG./ HH. Midazolam 2884
/HH./ II. Nimetazepam 2837
/II./ JJ. Nitrazepam 2834
/JJ./ KK. Nordiazepam 2838
/KK./ LL. Oxazepam 2835
/LL./ MM. Oxazolam 2839
/MM./ NN. Paraldehyde 2585
/NN./ OO. Petrichloral 2591
/OO./ PP. Phenobarbital 2285
/PP./ QQ. Pinazepam 2883
/QQ./ RR. Prazepam 2764
/RR./ SS. Quazepam 2881
/SS./ TT. Temazepam 2925
/TT./ UU. Tetrazepam 2886
/UU./ VV. Triazolam 2887
/VV./ WW. Zaleplon 2781
/WW./ XX. Zolpidem 2783

3. Fenfluramine. Any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position or geometric) and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible:

A. Fenfluramine 1670

4. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

A. Cathine ((+)-norpseudoephedrine) 1230
B. Diethylpropion 1610
C. Fencamfamin 1780
D. Fenproporex 1575
E. Mazindol 1605
F. Mefenorex 1580
G. Modafinil 1680
H. Pemoline (including organometallic complexes and chelates thereof) 1530
I. Phentermine 1640
J. Pipradrol 1750

K. Sibutramine	1675
L. SPA (-)-1-dimethylamino-1,2-diphenylethane	1635

5. Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

A. Pentazocine	9709
B. Butorphanol (including its optical isomers)	9720

6. Ephedrine. Any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system including their salts, isomers and salts of isomers:

A. Ephedrine or its salts, optical isomers or salts of optical isomers as the only active medicinal ingredient or contains ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically insignificant quantities of another active medicinal ingredient.

AUTHORITY: sections 195.015 and 195.195, RSMo [1994] 2000. Material found in this rule previously filed as 19 CSR 30-1.010. Original rule filed April 14, 2000, effective Nov. 30, 2000. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Division of Health Standards and Licensure, Lois Kollmeyer, Director, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Health Standards and Licensure Chapter 1—Controlled Substances

PROPOSED AMENDMENT

19 CSR 30-1.011 Definitions. The department is amending section (1).

PURPOSE: This rule is being amended to delete the definition of a Training Program Registration because it will no longer be recognized as a separate registration category.

(1) As used in this chapter, the following terms shall have the meanings specified:

[(R) Training program registration means a registration issued to an individual practitioner participating in a post-graduate medical education training program approved by a Missouri professional licensing board.]

AUTHORITY: section 195.195, RSMo [1994] 2000. Original rule filed April 14, 2000, effective Nov. 30, 2000. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a state in support of or in opposition to this proposed amendment with the Office of the Division of Health Standards and Licensure, Lois Kollmeyer, Director, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Health Standards and Licensure Chapter 1—Controlled Substances

PROPOSED AMENDMENT

19 CSR 30-1.015 [Registration Fees and Implementation of Three-Year Cycle] Registrations and Fees. The department is amending the title, section (1), deleting section (2) and renumbering sections (3), (4) and (5).

PURPOSE: This rule is being amended to require resident physicians in training to apply for a three (3)-year registration rather than a one (1)-year registration.

(1) For each registration or re-registration to—

(A) Manufacture controlled substances, the registrant shall pay a fee of **two hundred dollars** (\$200);

(B) Distribute controlled substances, the registrant shall pay a fee of **two hundred dollars** (\$200);

(C) Dispense controlled substances listed in Schedules II–V **including dispensing of controlled substances by individual practitioners in training programs** or to conduct research or instructional activities with those substances, the registrant shall pay a fee of **ninety dollars** (\$90);

(D) Conduct research or instructional activities with a controlled substance listed in Schedule I, the registrant shall pay a fee of **ninety dollars** (\$90);

(E) Conduct chemical analysis with controlled substances listed in any schedule, the registrant shall pay a fee of **ninety dollars** (\$90);

(F) Import or export controlled substances listed in any schedule, the registrant shall pay a fee of **two hundred dollars** (\$200);

(G) Dispense controlled substances listed in Schedules II–V by an individual practitioner who has a *[training program registration or a] temporary location registration*, the registrant shall pay an annual fee of **thirty dollars** (\$30).

[(2) Notwithstanding the provisions of (1)(A)–(G) of this rule, the following shall apply:

(A) Each registrant shall pay a fee of \$30 for a registration during the first year of implementation of this rule;

(B) After the first year of implementation of this rule, the fees set forth in (1)(A)–(G) shall apply;

(C) For the first year of implementation of this rule, each registration issued shall be current and effective for a period of not less than 12 months, but not more 36 months;

(D) Each registration received during the first year of implementation of this rule shall be randomly assigned an expiration date by a computer;

(E) Temporary location registrations and training program registrations received during the first year of implementation of this rule may be assigned to a single group, and their expiration date may be less than 12 months;

(F) Re-registrations issued during subsequent years shall be effective for 36 months.]

[(3)] (2) Lapsed Registration Fee. A late charge of **ten dollars** (\$10) must be submitted with the original registration fee if an application is submitted more than **fifteen** (15) days after a previous registration has expired.

[(4)] (3) Time and Method of Payment and Refunds. Registration and re-registration fees shall be paid at the time when the application for registration or re-registration is submitted for filing. Payment should be made in the form of a personal, certified or cashier's check or money order made payable to Department of Health **and Senior Services**. This is a nonrefundable processing fee. Payments made in the form of stamps, foreign currency or third-party endorsed checks will not be accepted.

[(5)] (4) Persons Exempt From Fee. The Department of Health **and Senior Services** shall exempt the following persons from payment of a fee for registration or re-registration:

(A) Any official or agency of the United States Army, Navy, Marine Corps, Air Force, Coast Guard, Veterans Administration or Public Health Service who is authorized to procure or purchase controlled substances for official use;

(B) Any official, employee or other civil officer or agency of the United States or state or any political subdivision or agency who is authorized to purchase controlled substances, to obtain these substances from official stocks, to dispense or administer these substances, to conduct research, instructional activities or chemical analysis with these substances, or any combination of them, in the course of his/her official duties or employment;

(C) In order to claim exemption from payment of a registration or re-registration fee, the registrant shall apply for exemption by completing appropriate sections of the application;

(D) Exemption from payment of a registration or re-registration fee does not relieve the registrant of any other requirements or duties prescribed by law;

(E) Any registration that is exempt from payment pursuant to this section shall be valid only when authorized persons are conducting activities in the course of their official duties or employment.

AUTHORITY: sections 195.030[,RSMo Supp. 1999] and 195.195, RSMo [1994] 2000. Original rule filed April 14, 2000, effective Nov. 30, 2000. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a state in support of or in opposition to this proposed amendment with the Office of the Division of Health Standards and Licensure, Lois Kollmeyer, Director, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**

**Division 30—Division of Health Standards and Licensure
Chapter 1—Controlled Substances**

PROPOSED AMENDMENT

19 CSR 30-1.017 Registration Process. The department is amending sections (2) and (3) and adding a new section (4) and deleting the form which follows the rule in the *Code of State Regulations*.

PURPOSE: This amendment changes the registration application and application process.

(2) Application for Registration.

(B) Applications for registration shall be on forms designated by the Department of Health[, and are incorporated into this rule by reference as follows: Form MO 580-2322] **and Senior Services**. Application forms may be requested from the Missouri Department of Health **and Senior Services**, [P.O.] PO Box 570, Jefferson City, MO 65102-0570.

(C) An application form containing the original signature of the applicant must be provided to the Department of Health **and Senior Services** with any required fee. **This is a nonrefundable processing fee.**

(D) An application which does not contain or is not accompanied by the required information or fee may be denied **sixty** (60) days after notifying the applicant of the deficiency.

(E) An application may be withdrawn by making a written request to the Department of Health **and Senior Services**.

(F) A person who is registered may conduct activities with controlled substances in Schedules II, III, IV and V, as authorized by statute, unless a registration is restricted as to schedules or activities because of a settlement agreement, probation, or other disciplinary action taken by the Department of Health and Senior Services, the Drug Enforcement Administration or a professional licensing board. Authority to conduct activities with controlled substances in Schedule I requires a separate application and registration.

(3) *[Application Information.]* All applicants shall make full, true and complete answers on the application. The Department of Health **and Senior Services** may require an applicant to submit documents or written statements of fact relevant to the application as considered necessary to determine whether the application should be granted. The failure of the applicant to provide these documents or statements within **sixty** (60) days after being requested to do so shall be considered to be a waiver by the applicant of an opportunity to present these documents or facts for consideration in granting or denying the application.

(4) Information Required on Applications. The information required on all applications for a Missouri Controlled Substance Registration includes:

(A) **Type of Application.** The applicant must identify whether the application is for a new registration, a name change, a change of address or a change of ownership;

(B) **Applicant Information.** The applicant must provide his or her full legal name and practice location that is not a post office box;

(C) **Registration Type.** The applicant must identify whether the application is for a full three (3)-year registration or a one (1)- year *locum tenens* registration;

(D) **Type of Business Activity.** The applicant must identify whether the application is for a pharmacy, hospital, practitioner, nursing home kit, emergency medical service, narcotic treatment program, teaching institution, manufacturer, distributor, researcher, analytical lab, importer, exporter, registered nurse (may not prescribe controlled substances), or other;

(E) **Appropriate Fee.** The applicant must identify whether the application is for a government entity that is fee exempt along with the title of the governing unit;

(F) **General Information.** The applicant must provide his or her business telephone number; Drug Enforcement Administration (DEA) number, if applicable; professional degree, if applicable and professional license number, if applicable;

(G) The applicant must answer yes or no to whether the applicant, or any officer of a corporate applicant, or individual employed by any applicant having access to controlled substances, has ever entered a plea of guilty, no contest, *nolo contendere*, or otherwise been convicted of any violation of any state or federal law related to the possession, manufacture, distribution, dispensing or prescribing of controlled substances. If the answer is yes, the applicant must provide an explanation;

(H) If the applicant is an individual or a registrant that holds a professional license, the applicant must answer yes or no to whether they are currently licensed and registered to practice their profession under the laws of this state;

(I) If the applicant is not an individual or a registrant that holds a professional license, the applicant shall answer yes or no to whether they are currently authorized to conduct business under the laws of this state;

(J) **Previous Discipline.** If the applicant currently holds or has previously held a state or federal controlled substance registration or state professional license or registration, the applicant must answer yes or no to whether their license, registration or application or renewal thereof has ever been surrendered, revoked, suspended, denied, restricted or placed on probation and if any such action is pending. If the answer is yes, the applicant must provide an explanation;

(K) The original signature of the individual applicant, corporate officer or hospital administrator and the official title of the applicant if the applicant is other than an individual;

(L) If the applicant is an individual, the applicant must provide his or her Social Security number and date of birth;

(M) The date the application is signed;

(N) The county of business activity; and

(O) The applicant must indicate what drug schedules they request authority in.

AUTHORITY: section 195.195, RSMo [1994] 2000. Original rule filed April 14, 2000, effective Nov. 30, 2000. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Division of Health Standards and Licensure, Lois Kollmeyer, Director, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Health Standards and Licensure Chapter 1—Controlled Substances

PROPOSED AMENDMENT

19 CSR 30-1.019 Registration Location. The department is amending section (2) and deleting subsection (2)(A) and relettering subsection (2)(B).

PURPOSE: This amendment deletes subsection (2)(A) so that a registration may only be issued at a practice location where patient care occurs unless the practitioner is practicing locum tenens.

(2) A controlled substance registration shall be issued to an individual practitioner at a Missouri practice location where controlled substance and other patient care activities occur, except:

[(A) When an individual practitioner applies for a registration and no practice location is known, the registration shall be issued to the address where the practitioner's professional license to practice in Missouri is issued. No controlled substances shall be stocked, administered or dispensed at this location. When a practice location is determined the practitioner shall notify the Department of Health in writing, including the registrant's signature, of the address and effective date prior to conducting controlled substance activities at the practice location. No fee shall be required for this change. When the Department of Health has been notified and the change is completed, the practitioner shall have authority to stock, administer or dispense controlled substances at this location;]

[(B)](A) When an individual practitioner has a temporary location registration, the registration shall be issued to the address where the practitioner's professional license to practice in Missouri is issued. A practitioner with a temporary location registration shall:

1. Have a current Missouri professional license to practice and be registered with the Department of Health and Senior Services at the address listed on his/her professional license;

2. Have a federal Drug Enforcement Administration registration that is valid in Missouri;

3. Anticipate practicing in Missouri within the next **twelve (12)** months;

4. Not practice for more than **ninety (90)** consecutive calendar days at any location;

5. Maintain a record of the date(s) and location(s) of all practice activity in Missouri and make the record available to the Bureau of Narcotics and Dangerous Drugs. This record shall be retained for two (2) years;

6. Maintain all required controlled substance records at each location;

7. Not receive or stock controlled substances at any location.

AUTHORITY: section 195.195, RSMo [1994] 2000. Original rule filed April 14, 2000, effective Nov. 30, 2000. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Division of Health Standards and Licensure, Lois Kollmeyer, Director, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Health Standards and Licensure Chapter 1—Controlled Substances

PROPOSED AMENDMENT

19 CSR 30-1.023 Registration Changes. The department is amending section (2).

PURPOSE: This amendment allows registrants a thirty (30)-day grace period when changing business ownership.

(2) Termination of Registration.

(A) The registration of any person shall terminate:

1. On the expiration date assigned to the registration at the time the registration was issued;

2. If and when the person dies;

3. If and when the person ceases legal existence;

4. If and when a business changes ownership/;/, except:

A. The registration shall not terminate for thirty (30) days from the effective date of the change if the new owner applies for a registration within the thirty (30) day period and the corresponding Drug Enforcement Administration registration remains effective as provided for by the Drug Enforcement Administration;

5. If and when the person discontinues business or changes business location, except:

A. The registration shall not terminate for thirty (30) days from the effective date of the change if the person applies for a new registration or modification within the thirty (30)-day period;

B. The registration shall not terminate if it is a temporary location registration;

6. Upon the written request of the registrant.

(B) Any registrant who ceases legal existence or discontinues business or professional practice shall notify the Department of Health and Senior Services of the effective date of this action and promptly return his/her registration certificate to the Department of Health and Senior Services.

AUTHORITY: section 195.195, RSMo [1994] 2000. Original rule filed April 14, 2000, effective Nov. 30, 2000. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Division of Health Standards and Licensure, Lois Kollmeyer, Director, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within (30) thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Health Standards and Licensure Chapter 1—Controlled Substances

PROPOSED AMENDMENT

19 CSR 30-1.034 Security for Practitioners. The department is amending section (2) and deleting the form that follows the rule in the *Code of State Regulations*.

PURPOSE: This amendment changes the form required for reporting losses in paragraph (2)(B)1.

(2) Other Security.

(A) The registrant shall not employ as an agent or employee who has access to controlled substances any person who has been found

guilty or entered a plea of guilty or *nolo contendere* in a criminal prosecution under the laws of any state or of the United States for any offense related to controlled substances or who has had an application for a state or federal controlled substance registration denied or has had his/her registration revoked or surrendered for cause at any time. For purposes of this subsection, the term for cause means a surrender in place of or as a consequence of any federal or state administrative, civil or criminal action resulting from an investigation of the individual's handling of controlled substances.

1. A registrant may apply in writing to the Department of Health and Senior Services for a waiver of subsection (2)(A) of this rule for a specific employee.

2. The Department of Health and Senior Services may issue a written waiver to any registrant upon determination that a waiver would be consistent with the public health and safety. In making this determination, the Department of Health and Senior Services shall consider—the duties of the employee, the circumstances surrounding the conviction, the length of time since the conviction was entered, whether a waiver has been granted by the federal Drug Enforcement Administration (DEA) pursuant to 21 CFR 1301.76, the security measures taken by the employer to prevent the theft and diversion of controlled substances, and any other factors consistent with public health and safety.

(B) A registrant shall notify the Department of Health and Senior Services of the theft, diversion or significant loss of any controlled substances or regulated chemicals upon discovery.

1. The registrant shall complete and submit a [Report of Loss, Theft or Diversion of Controlled Substances or Regulated Chemicals to the Department of Health] report of the loss or diversion of controlled substances to the Department of Health and Senior Services no later than seven (7) business days after the discovery of such a loss. The loss report form shall [be incorporated into this rule by reference.] contain the following information: name and address of registrant, business phone number; Missouri Controlled Substance Registration Number; federal Drug Enforcement Administration Registration number; date of theft or loss; date of discovery of theft or loss; county of location; principal type of registration such as M.D., D.O., D.P.M., O.D., D.V.M., D.D.S., D.M.D., A.N.P., emergency medical service, pharmacy, hospital, manufacturer, nursing home kit, narcotic treatment program, teaching institution, distributor, importer, exporter, or other specified business; whether or not the loss or theft was reported to law enforcement; the name and phone number of the law enforcement agency reported to; the number of losses or thefts the registrant has experienced in the past twenty-four (24) months; the type of loss or diversion such as, break in/burglary, robbery, employee theft, forged or falsified records, lost in transit, or other explained type of loss; if lost in transit, the name of the common carrier and name of consignee; the name(s) of the individual diverting controlled substances who was responsible for the theft or loss; copy of registrant's internal investigative report involving the loss or theft; the full name, date of birth and social security number of the individual(s) responsible for the theft or diversion, if known; a copy of the police report if law enforcement was notified; if the loss or diversion was in transit, identify the origin of the delivery, the name of the carrier(s) used and the name of the consignee; a list of all controlled substances lost, stolen or diverted by their generic name, trade name, the dosage strength, dosage form and quantity; the signature of the person completing the loss report and their title and the date of their signature. If the extent of the loss cannot be fully determined in that time frame, the registrant shall contact the Department of Health and Senior Services to request permission to submit an interim report and arrange for a complete report to be completed and submitted. The registrant may attach a copy of a completed Drug Enforcement Administration Loss Form in lieu of completing the back or second page of a [Report of Loss, Theft or Diversion of Controlled Substances or Regulated Chemicals] loss report form provided by the Department of Health and

Senior Services. In the event of theft, diversion or suspected theft or diversion, the report submitted to the Department of Health and Senior Services shall be accompanied by or followed by a summary of the internal investigation performed, the outcome of the investigation, and a copy of any law enforcement agency report completed if applicable.

2. If an insignificant amount of a controlled substance is lost during lawful activities authorized under Chapter 195, RSMo, the reason for the loss or a description of what occurred, the name of the drug and the amount lost shall be documented in writing, signed by the registrant and attached or filed with the last completed annual inventory.

AUTHORITY: section 195.195, RSMo [1994] 2000. Original rule filed April 14, 2000, effective Nov. 30, 2000. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Division of Health Standards and Licensure, Lois Kollmeyer, Director, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Health Standards and Licensure Chapter 1—Controlled Substances

PROPOSED RESCISSION

19 CSR 30-1.040 Dispensing and Distribution of Controlled Substances in Certain Situations. This rule provided for emergency dispensing of Schedule II controlled substances and dispensing of Schedule V controlled substances without a prescription.

PURPOSE: This rule is being rescinded because the department inadvertently failed to rescind this rule in 2000 when the rule was replaced by four (4) separate rules on the same subject, 19 CSR 30-1.070, 19 CSR 30-1.072, 19 CSR 30-1.074 and 19 CSR 30-1.076.

AUTHORITY: section 195.195, RSMo 1986. This rule was previously filed as 13 CSR 50-132.010. Original rule filed Jan. 31, 1972, effective April 1, 1972. Rescinded: Filed Jan. 31, 2003.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Office of the Division of Health Standards and Licensure, Lois Kollmeyer, Director, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 40—Division of Maternal, Child and Family Health

Chapter 9—Universal Newborn Hearing Screening Program

PROPOSED AMENDMENT

19 CSR 40-9.020 Screening Methodologies and Procedures. The department is deleting section (8) and renumbering the remaining sections.

PURPOSE: As a result of legislation passed during the 2002 legislative session, section (8) of this rule is no longer necessary and is hereby deleted.

[[8]] Any facility that transfers a newborn for further acute care prior to the completion of newborn hearing screening shall assure the receiving facility is aware of the status of the newborn hearing screening. The newborn/infant may have the hearing screening performed by the receiving facility, or be referred back to the birth facility for the hearing screening.]

[[9]] (8) A facility or person that performs a hearing screening outside a facility, shall give the parent(s) of a newborn receiving unilateral or bilateral "refer" result(s), a list (developed by the department) of audiological services. Parent(s) shall be instructed to contact the primary care provider and any third-party payers to determine the appropriate referral process prior to obtaining audiological services.

[[10]] (9) Rescreening shall be performed by an audiologist, physician, and/or facility personnel trained in the newborn hearing screening program.

[[11]] (10) Rescreening shall be completed within thirty (30) calendar days of the initial newborn hearing screening. Infants requiring continuous acute care following birth shall have their rescreening completed within thirty (30) calendar days of the acute care discharge.

[[12]] (11) Diagnostic audiologic assessments shall be performed by audiologists.

[[13]] (12) Diagnostic audiological assessments shall be completed within thirty (30) calendar days of the rescreening, or initial screening if applicable. Infants requiring continuous acute care following birth shall have their diagnostic audiological assessment completed within three (3) months of the acute care discharge.

[[14]] (13) The audiologist shall notify the parent(s) and primary care provider of the diagnostic audiological assessment results no later than seven (7) calendar days following the completion of the assessment.

[[15]] (14) The department shall make reasonable efforts to assure that all newborns have a hearing screening by three (3) months of age (or within three (3) months of discharge from an acute facility for infants requiring continuous acute care following birth).

[[16]] (15) The department shall make reasonable efforts to assure that all newborns with a confirmed hearing loss are referred to the appropriate point of contact for the Part C of the Individuals with Disabilities Education Act (IDEA) system of early intervention services (First Steps) by six (6) months of age (or within six (6) months of discharge from an acute care facility for infants requiring continuous acute care following birth).

AUTHORITY: section 191.937, RSMo 2000. Original rule filed Aug. 1, 2001, effective Jan. 31, 2002. Amended: Filed Jan. 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political substances more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Paula F. Nickelson, Director, Division of Maternal, Child and Family Health, Missouri Department of Health and Senior Services, 930 Wildwood Drive, PO Box 570, Jefferson City, MO 65102-0570. Phone: 573-751-6252. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE
Division 300—Market Conduct Examinations
Chapter 2—Record Retention for Market Conduct
Examinations**

PROPOSED AMENDMENT

20 CSR 300-2.200 Records Required for Purposes of Market Conduct Examinations. The department is amending sections (1), (2) and (3).

PURPOSE: This amendment removes language regarding “third party vendors or service providers” that was added in a previous amendment. The language was removed via an emergency amendment published in this same issue of the *Missouri Register*, and this amendment proposes to extend the removal of the language beyond the period of the emergency amendment.

(1) Definitions.

[(D)] The term “customary core functions” means the claims handling, claims payment, complaint handling, termination, rating, underwriting, or marketing process or providing any information or assistance used in claims handling, claims payment, complaint handling, termination, rating, underwriting, or marketing process which have traditionally been performed by internal insurance company employees or producers.]

[(E)] **(D)** The term “department” shall mean the Missouri Department of Insurance.

[(F)] **(E)** The term “examiner” shall mean a market conduct examiner authorized by the director to conduct an examination pursuant to section 374.202.2(4), RSMo.

[(G)] **(F)** The term “inquiry” shall mean a specific question, criticism or request made in writing to an insurer by a market conduct examiner duly appointed by the director.

[(H)] **(G)** The term “insurer” shall mean an insurer as that term is defined in sections 375.932 or 375.1002, RSMo.

[(I)] **(H)** The term “policy” shall mean a policy as that term is defined in section 375.932(5), RSMo. The term “policy” shall also include any evidence of coverage issued by a health maintenance organization to an enrollee.

[(J)] The term “third party vendor or service provider” shall mean any person or entity not licensed under any of the insurance laws of the state of Missouri and participating for a fee or pursuant to a contract or mutual agreement with an insurer in the customary core functions of the business of insurance. Third party vendors or service providers will include individuals or entities providing medical review, claim

evaluation, case management, property or automobile evaluation and assessment, credit reporting or credit scoring, claim reporting, or medical health reporting services or databases to an insurer, are not independently licensed under the insurance laws of the state of Missouri to provide said services and are not employees of an entity licensed under the insurance laws of the state of Missouri to provide said services.]

(2) Records Required.

[(A)] Every insurer, licensed to do business in this state shall maintain its books, records, documents and other business records in a manner so that the following practices of the insurer may be readily ascertained during market conduct examinations: **claims handling and payment, complaint handling, termination, rating, underwriting and marketing.** [the insurer’s compliance with the standards outlined in the NAIC Market Conduct Examiners’ Handbook, including, but not limited to, company operations and management, policyholder service, marketing, producer licensing, underwriting, rating, termination, complaint/grievance handling and claims practices.

(B) Every insurer, licensed to do business in this state, shall provide in a written contract entered into with any and all third party vendors or service providers which perform any of the customary core functions on behalf of that insurer that the insurer will have access to or retain a copy of the books, records, documents, and other business records used or relied upon by the third party vendor or service provider with whom it contracts in the performance of the third party vendors’ or service providers’ performance of the customary core functions on behalf of that insurer.

(C) During an examination, the insurer shall provide, as requested, its written contract entered into with each third party vendor or service provider and such documents as set forth in subsection (2)(B) of this section within the time frames set forth in section (6) of this rule.

(D) Every insurer must monitor every third party vendor or service provider with whom it contracts so as to justify to itself that the methods and procedures used in the performance of the customary core functions are actuarially, statistically, medically, scientifically, or practically sound and accurate and performed for an appropriate business purpose, as applicable, and do not violate the laws of this state. The insurer must be able to produce documentation and otherwise demonstrate how it monitored and verified the accuracy, lawfulness, and appropriateness of the business practices performed by the third party vendor or service provider on its behalf within the time frames set forth in section (6) of this rule.

(E) It will be insufficient compliance with this regulation for the insurer to solely submit to the examiner a letter or affidavit from the third party vendor or service provider certifying the accuracy, appropriateness, and compliance with the laws of this state as it relates to the methods and procedures used in the claims handling, claims payment, complaint handling, termination, rating, underwriting, or marketing processes without the accompanying documentation as set forth in subsections (2)(B), (2)(C), and (2)(D) of this rule.]

(3) Records to be Maintained. The following records shall be maintained:

(D) The Missouri complaint records required to be maintained under section 375.936(3), RSMo shall include a complaint log or register in addition to the actual written complaints. The complaint log or register shall show clearly the total number of complaints for a period of not less than the immediately preceding three (3) years, the classification of each complaint by line of insurance, the nature

of each complaint, and the disposition of each complaint. The complaint log or register shall also contain a reference to the location of the file to which each complaint corresponds. If the insurer maintains the file in a computer format, the reference in the complaint log or register for locating such documentation shall be an identifier such as the policy number or other code. Such codes shall be provided to the examiners at the time of an examination; **and**

(E) The insurer shall retain declined underwriting files for a period of three (3) years from the date of declination. The term "declined underwriting file" shall mean all written or electronic records concerning a policy for which an application for insurance coverage has been completed and submitted to the insurer or its insurance producer but the insurer has made a determination not to issue a policy or not to add additional coverage when requested. A declined underwriting file shall include an application, any documentation substantiating the decision to decline an issuance of a policy, any binder issued without the insurer issuing a policy, any documentation substantiating the decision not to add additional coverage when requested and, if required by law, any declination notification. Notes regarding requests for quotations which do not result in a completed application for coverage need not be maintained for purposes of this regulation/; *and*/.

[(F) A copy of the contract that the insurer entered into with any and all third party vendors or service providers for the performance of the third party vendors' or service providers' duties in the claims handling, claims payment, complaint handling, termination, rating, underwriting, or marketing processes on behalf of the insurer.]

AUTHORITY: sections 144.027, 287.350, 354.190, 354.465, 354.717, 374.045, 374.190, 374.202, 374.205, 374.210, 375.012, 375.013, 375.149, 375.150, 375.151, 375.158, 375.932, 375.938, 375.948, 375.1002, 375.1009, 375.1018, 379.343, 379.475 and 536.016, RSMo 2000 and 375.022 and 375.158, RSMo Supp. 2001. This rule was previously filed as 4 CSR 190-11.050. Original rule filed Dec. 20, 1974, effective Dec. 30, 1974. Amended: Filed Sept. 5, 1975, effective Sept. 15, 1975. Amended: Filed April 4, 1991, effective Oct. 31, 1991. Amended: Filed Dec. 1, 1998, effective July 30, 1999. Amended: Filed July 12, 2002, effective Feb. 28, 2003. Emergency amendment filed Feb. 14, 2003, effective Feb. 24, 2003, expires Aug. 22, 2003. Amended: Filed Feb. 14, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on April 22, 2003. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on April 22, 2003. Written statements shall be sent to Carolyn H. Kerr, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 2—Practice and Procedure**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 386.410, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-2.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1576-1578). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission did not receive any written comments specifically addressing this proposed amendment, but did receive written comments from one (1) entity pertaining to proposed rules in 4 CSR 240-3 that are related to one (1) portion of this amendment. The comments focused on the use of the term "purchaser" in the subject proposed rules, which is a term that is also used in what is currently section (9) of 4 CSR 240-2.060. The period for receiving written comments on this proposed amendment ended on October 16, 2002. The commission held a public hearing

on this proposed amendment on October 25, 2002, but received no comments regarding the amendment at that hearing.

COMMENTS: The commenter stated the opinion that it is inappropriate for the commission to use the term "purchaser" in the context of rules in 4 CSR 240-3 pertaining to transactions such as mergers and consolidations, because there is no purchaser in such transactions.

RESPONSE AND EXPLANATION OF CHANGE: While reviewing the comments to 4 CSR 240-3, the commission determined that taking action to correct terms as proposed by the commenter, even though technically appropriate, could be considered a substantive change. Because the commission had stated during the rulemaking process that it would make no substantive changes to its current rules, the commission determines that no changes will be made to the current text. The commission will, however, begin a new rulemaking process to address the issue raised by the commenter. The commission has also determined that it is not appropriate to delete section (9) from rule 4 CSR 240-2.060. Therefore, the commission will change the proposed amendment to avoid deletion of section (9) of 4 CSR 240-2.060 in that rule. The commission will also renumber the remaining sections and make reference to the appropriate newly promulgated rules in 4 CSR 240-3 as shown below.

4 CSR 240-2.060 Applications

(3) If the purchaser under the provisions of 4 CSR 240-3.110, 4 CSR 240-3.115, 4 CSR 240-3.210, 4 CSR 240-3.215, 4 CSR 240-3.310, 4 CSR 240-3.315, 4 CSR 240-3.405, 4 CSR 240-3.410, 4 CSR 240-3.520, 4 CSR 240-3.525, 4 CSR 240-3.605 or 4 CSR 240-3.610 is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(4) In addition to the requirements of section (1), applications for variances or waivers from commission rules and tariff provisions, as well as those statutory provisions which may be waived, shall contain information as follows:

(A) Specific indication of the statute, rule or tariff from which the variance or waiver is sought;

(B) The reasons for the proposed variance or waiver and a complete justification setting out the good cause for granting the variance or waiver; and

(C) The name of any public utility affected by the variance or waiver.

(5) A name change may be accomplished by filing the items below with a cover letter requesting a change of name. Notwithstanding any other provision of these rules, the items required herein may be filed by a nonattorney. Applications for approval of a change of name shall include:

(A) A statement, clearly setting out both the old name and the new name;

(B) Evidence of registration of the name change with the Missouri secretary of state; and

(C) Either an adoption notice and revised tariff title sheet with an effective date which is not fewer than thirty (30) days after the filing date of the application, or revised tariff sheets with an effective date which is not fewer than thirty (30) days after the filing date of the application.

(6) In addition to the general requirements set forth above, the requirements found in Chapter 3 of the commission's rules pertaining to the filing of various types of applications must also be met.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 2—Practice and Procedure**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-2.200 Small Company Rate Increase Procedure is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1578). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.010 General Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1578–1580). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission did not receive any written comments regarding this proposed rule, but a representative of one (1) entity offered testimony pertaining to the subject of the organization of the various Chapter 3 rules at the public hearing that the commission held regarding the rulemakings related to the development of the commission's new Chapter 3. The testimony offered at the public hearing focused on the definition rules in the new Chapter 3 and how the placement of those rules affected the overall organization of the Chapter 3 rules. The period for receiving written comments on this proposed rule and the other rulemakings related to the development of Chapter 3 ended on October 16, 2002. The public hearing that the commission held on this proposed rule and the other rulemakings related to the development of Chapter 3 occurred on October 25, 2002.

COMMENT: Other than the testimony offered in support of the Chapter 3 related rulemakings by the staff of the commission at the public hearing, the only other testimony offered was presented by a representative of a local law firm. That same firm also offered substantial written comments regarding the subject rulemakings. In addition to testimony offered in response to questions from the commission regarding the firm's written comments, the firm's representative also raised an issue regarding the organization of the Chapter 3 rules. This testimony generally dealt with the fact that not all of the rules in the various "blocks" of rules in the proposed Chapter 3 were num-

bered consistently from the viewpoint of similar requirements that exist from block to block. Specifically, the firm's representative noted that it would have generally been easier to follow the rules if the first rule in every block covered the same subject. The firm's representative further noted that in all but two (2) instances the first rule in each block was the rule that included the definitions of the terms used in the rules in each block. In response to questions from the commission during the hearing, the commission staff's representative testified that the two (2) "blocks" of rules that did not begin with a definition rule did not need such a rule. The staff's representative testified that the reason for this is that all definitions needed for these blocks of rules (the block's pertaining to steam heating utilities and water utilities) are contained in rule 4 CSR 240-3.010, which is the "general" definition rule in Chapter 3.

RESPONSE: Based upon research conducted by its staff subsequent to the public hearing, the commission understands that the issue regarding the numbering inconsistency raised during the public hearing could be addressed. One way to address this issue would be to add a definition rule to the two (2) blocks of rules that do not currently begin with a definition rule and renumber the other rules in those blocks accordingly. The commission has, however, chosen not to undertake that effort at this time. Rather, the commission will undertake that effort as a part of future rulemaking activities that affect these two (2) blocks of rules. No changes have been made to this proposed rule, or any other proposed rule related to the development of the new Chapter 3, as a result of the comments offered at the public hearing.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.015 Filing Requirements for Utility Company
Applications for Waivers or Variances is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1580). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.020 Filing Requirements Regarding Utility
Company Name Changes is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002

(27 MoReg 1580). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.025 Utility Company Tariff Filings Which Create Cases is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1580-1581). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.030 Minimum Filing Requirements for Utility Company General Rate Increase Requests is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1581-1582). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.100 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1582-1583). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on the inclusion of definitions of terms that are not used in other rules. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted written comments regarding this proposed rule noted in its comments that this rule contains the definitions of certain terms that are not actually used in other rules, and suggested that the definition of any term that is not used in other rules should be removed from this rule. Specifically, the comments suggest that the definitions of terms such as affiliate, affiliated entity, affiliate transaction, avoided costs and control be removed.

RESPONSE AND EXPLANATION OF CHANGE: The commission notes that it agrees with the suggestion that any unused definitions should be removed from the proposed rule. The commission also notes, however, that the terms affiliate, avoided costs and control are used in other definitions in rule 4 CSR 240-3.100 and/or in rules in the 4 CSR 240-3.105 thru 4 CSR 240-3.190 "block." As a result, the definitions of these terms will not be removed as suggested. Based on the above, the commission is removing any unused definitions from the proposed rule and renumbering the remaining definitions accordingly.

4 CSR 240-3.100 Definitions Pertaining Specifically to Electric Utility Rules

(2) Appliance or equipment means any device which consumes electric energy and any ancillary device required for its operation.

(3) Avoided costs means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, that utility would generate itself or purchase from another source.

(4) Consideration shall be interpreted in its broadest sense and shall include any cash, donation, gift, allowance, rebate, discount, bonus, merchandise (new or used), property (real or personal), labor, service, conveyance, commitment, right or other thing of value.

(5) Control (including the terms "controlling," "controlled by," and "common control") means the possession, directly or indirectly, of the power to direct, or to cause the direction of the management or policies of an entity, whether such power is exercised through one (1) or more intermediary entities, or alone, or in conjunction with, or pursuant to an agreement with, one (1) or more other entities, whether such power is exercised through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, affiliated entities, contract or any other direct or indirect means. The commission shall presume that the beneficial ownership of ten percent (10%) or more of voting securities or partnership interest of an entity constitutes control for purposes of this rule. This provision, however, shall not be construed to prohibit a regulated electrical corporation from rebutting the presumption that its ownership interest in an entity confers control.

(6) Cost-effective means that the present value of life-cycle benefits is greater than the present value of life-cycle costs to the provider of an energy service.

(7) Decommissioning means those activities undertaken in connection with a nuclear generating unit's retirement from service to ensure that the final removal, disposal, entombment or other disposition of the unit and of any radioactive components and materials associated with the unit, are accomplished in compliance with all applicable laws, and to ensure that the final disposition does not pose any undue threat to the public health and safety. Decommissioning includes the removal and disposal of the structures, systems and components of a nuclear generating unit at the time of decommissioning.

(8) Decommissioning costs means all reasonable costs and expenses incurred in connection with decommissioning, including all expenses to be incurred in connection with the preparation for decommissioning, including, but not limited to, engineering and other planning expenses; and to be incurred after the actual decommissioning occurs, including, but not limited to, physical security and radiation monitoring expenses, less proceeds of insurance, salvage or resale of machinery, construction equipment or apparatus the cost of which was charged as a decommissioning expense.

(9) Demand-side resource means any inefficient energy-related choice that can be influenced cost-effectively by a utility. The meaning of this term shall not be construed to include load-building program.

(10) Energy service means the need that is served or the benefit that is derived by the ultimate consumer's use of energy.

(11) Inefficient energy-related choice means any decision that causes the life-cycle cost of providing an energy service to be higher than it would be for an available alternative choice.

(12) Load-building program means an organized promotional effort by a utility to persuade energy-related decision makers to choose the form of energy supplied by that utility instead of other forms of energy for the provision of energy service or to persuade customers to increase their use of that utility's form of energy, either by substituting it for other forms of energy or by increasing the level or variety of energy services used. This term is not intended to include the provision of technical or engineering assistance, information about filed rates and tariffs or other forms of routine customer service.

(13) Promotional practices means any consideration offered or granted by an electric utility or its affiliate to any person for the purpose, express or implied, of inducing the person to select and use the service or use additional service of the utility or to select or install any appliance or equipment designed to use the utility service, or for the purpose of influencing the person's choice or specification of the efficiency characteristics of appliances, equipment, buildings, utilization patterns or operating procedures. The term promotional practices shall not include the following activities:

(A) Making any emergency repairs to appliances or equipment of customers;

(B) Providing appliances or equipment incidental to demonstrations of sixty (60) days or less in duration;

(C) Providing light bulbs, street or outdoor lighting service, wiring, service pipe or other service equipment or appliances, in accordance with tariffs filed with and approved by the commission;

(D) Providing appliances or equipment to an educational institution for the purpose of instructing students in the use of the appliances or equipment;

(E) Merchandising appliances or equipment at retail and, in connection therewith, the holding of inventories, making and fulfillment of reasonable warranties against defects in material and workmanship existing at the time of delivery and financing; provided that the merchandising shall not violate any prohibition contained in 4 CSR 240-14.020;

(F) Inspecting and adjusting of appliances or equipment by an electric utility;

(G) Repairing and other maintenance to appliances or equipment by an electric utility if charges are at cost or above;

(H) Providing free or below-cost energy audits or other information or analysis regarding the feasibility and cost-effectiveness of improvements in the efficiency characteristics of appliances, equipment, buildings, utilization patterns or operating procedures;

(I) Offering to present or prospective customers by an electric utility technical or engineering assistance; and

(J) Advertising or publicity by an electric utility which is under its name and on its behalf and which does not in any manner, directly or indirectly, identify, describe, refer to, mention or relate to any architect, builder, engineer, subdivider, developer or other similar person, or which mentions no less than three (3) existing projects, developments or subdivisions.

(14) Purchase means the purchase of electric energy or capacity or both from a qualifying facility by an electric utility.

(15) Qualifying facility means a cogeneration facility or a small power production facility which is a qualifying facility under Subpart B of Part 292 of the Federal Energy Regulatory Commission's (FERC) regulations.

(16) Sale means the sale of electric energy or capacity or both by an electric utility to a qualifying facility.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.105 Filing Requirements for Electric Utility Applications for Certificates of Convenience and Necessity is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1583-1584). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on the inclusion of the term "gas transmission lines" in one (1) section of the rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule stated that the inclusion of the term "gas transmission lines" in subsection (1)(B) is an apparent mistake as this rule applies to electric utility applications for certificates of convenience and necessity, and that certificate application requirements related to gas transmission lines are covered in the corresponding rule related to gas utilities (4 CSR 240-3.205).

RESPONSE: The commission acknowledges that the requirements related to gas utility certificates of convenience and necessity are contained in 4 CSR 240-3.205 as is noted in the comments. The

commission also notes, however, that it could be necessary for an electric utility to construct gas transmission lines, and thus necessary for the electric utility to obtain a certificate of convenience and necessity for such lines. It is for this reason that the term "gas transmission lines" is included in this rule. Based on the above, no changes have been made to the proposed rule as a result of these comments.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.110 Filing Requirements for Electric Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1584). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.115 Filing Requirements for Electric Utility Applications for Authority to Merge or Consolidate **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1584–1585). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on the use of the term "purchaser" in one (1) section of the rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule stated the opinion that it is inappropriate for the commission to use the term "purchaser" in this rule, since the rule pertains to utility mergers and consolidations and there is no "purchaser" in such situations.

RESPONSE: The commission notes that the use of the referenced term comes from an existing rule related to this topic, and that in the interest of not making changes that could be considered substantive

when comparing the existing rule and this proposed rule, the term "purchaser" was used in the proposed rule. While the commission agrees with the gist of the comments, it continues to be concerned that any changes to the subject language in the proposed rule could be considered substantive. Based on the foregoing, the commission is not making any changes to the proposed rule at this time.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.120 Filing Requirements for Electric Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1585). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.125 Filing Requirements for Electric Utility Applications for Authority to Acquire the Stock of a Public Utility **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1585–1586). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250, 386.800 and 394.312, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.130 Filing Requirements for Applications for Approval of Electric Service Territorial Agreements **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1586). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250, 386.800 and 394.312, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.135 Schedule of Fees Applicable to Applications for Approval of Electric Service Territorial Agreements, Petitions for Designation of Electric Service Areas and Applications for Resolution of Annexation-Related Disputes **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1586–1587). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.140 Filing Requirements for Applications for Authority for a Change of Electrical Suppliers **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1587–1588). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.145 Filing Requirements for Electric Utility Rate Schedules **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1588–1591). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.150 Filing Requirements for Electric Utility Promotional Practices **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1591–1592). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.155 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1592–1593). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on an apparent incorrect reference in the rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule noted that an apparent error had been made in an internal rule reference contained in paragraph (5)(A)1. of the rule, and suggested that the reference to section (2) therein should be a reference to section (4).

RESPONSE AND EXPLANATION OF CHANGE: The comments correctly point out an error in the proposed rule and the commission is modifying paragraph (5)(A)1. of the proposed rule to correct that error. Additionally, the commission has identified an improper reference in subsection (5)(A) of the proposed rule and is also correcting that error.

4 CSR 240-3.155 Requirements for Electric Utility Cogeneration Tariff Filings

(5) Special Rule for Small Electric Utilities.

(A) Each electric utility (other than any electric utility to which paragraph (5)(A)2. applies) upon request shall—

1. Provide comparable data to that required under section (4) to enable qualifying facilities to estimate the electric utility's avoided costs for periods described in section (4); or

2. With regard to an electric utility which is legally obligated to obtain all its requirements for electric energy and capacity from another electric utility, provide the data of its supplying utility and the rates at which it currently purchases the energy and capacity.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.160 Filing Requirements for Electric Utility
General Rate Increase Requests is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1593). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on the title of the rule and a possible duplication of language in regard to another rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule addressed two (2) issues regarding the rule. First, the comments suggested that a better title for this rule could be found and/or that the requirements of this rule could be combined with the requirements of rule 4 CSR 240-3.030, which deals with the same general topic of filing requirements pertaining to general rate increases. The comments noted that the Purpose section of this rule contains a cross-reference to rule 4 CSR 240-3.030, but that this is not believed sufficient. Second, the comments noted that there might be an unnecessary duplication of language in this rule and in rule 4 CSR 240-3.175.

RESPONSE: Regarding the title of this rule and the rule's relationship to rule 4 CSR 240-3.030, the commission notes that rule 4 CSR 240-3.030 contains filing requirements that apply to all regulated utilities and that this rule contains additional requirements that apply only to electric utilities. Accordingly, the commission believes that the title of this rule is appropriate and that the combination of this

rule and 4 CSR 240-3.030 would not be appropriate. The commission also notes that rule 4 CSR 240-3.030 contains a cross-reference to this rule and that there should thus not be any confusion as to what is required of a utility that is filing a general rate increase request. Additionally, the commission notes that the title of this rule was selected in anticipation of additional requirements being added to this rule at a later date through an additional rulemaking. Regarding the possible duplication of language in this rule and rule 4 CSR 240-3.175, the commission notes that while these two (2) rules deal with similar subjects, they deal with different situations and thus the referenced language is necessary in both rules. Based on the above, no changes have been made to the proposed rules as a result of these comments.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.165 Annual Report Filing Requirements for
Electric Utilities is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1593-1594). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.175 Submission Requirements for Electric Utility
Depreciation Studies is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1594). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on a possible duplication of language in regard to another rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments on this proposed rule noted that there may be an unnecessary duplication of language in this rule and in rule 4 CSR 240-3.160.

RESPONSE: The commission notes that while these two (2) rules deal with similar subjects, they deal with different situations and thus the referenced language is necessary in both rules. Based on this, no changes have been made to the proposed rule as a result of these comments.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.180 Submission of Electric Utility Residential Heat-Related Service Cold Weather Report is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1594–1595). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 393.292, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.185 Submission of Reports Pertaining to the Decommissioning of Electric Utility Plants is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1595–1596). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.190 Electric Utility Reporting Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1596–1597). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on the addition of the term “electronic communication” in one section of the rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule noted the addition of “electronic communication” as an acceptable means of reporting certain events to the commission, commended the commission for this addition and stated its understanding that this term encompasses both facsimile and e-mail.

RESPONSE: The commission notes that the term “electronic communication” encompasses not only facsimile transmissions and e-mail messages, but also includes submissions made via the commission’s electronic filing and information system. No changes have been made to the proposed rule as a result of these comments.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.200 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1597–1599). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from two (2) entities regarding this proposed rule. The comments focused on the inclusions of definitions for terms that are not used in other rules. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The first entity that submitted comments regarding this proposed rule noted that the rule contains the definitions of certain terms used in rules 4 CSR 240-3.205 thru 4 CSR 240-3.295, but that five (5) of the terms defined in this rule are not actually used in those rules. Because of this, it was suggested that any terms not used in rules 4 CSR 240-3.205 thru 4 CSR 240-3.295 should be removed from this rule to avoid confusion. Specifically, the comments suggested that the following definitions should be removed from the proposed rule: (1) Affiliate; (2) Affiliated entity; (3) Affiliate transaction; (6) Control; and (20) Transportation of gas.

RESPONSE AND EXPLANATION OF CHANGE: The commission notes that it agrees with the suggestion that any unused definitions should be removed from the proposed rule. The commission also notes, however, that the terms affiliate, control and transportation of gas are used in other definitions in rule 4 CSR 240-3.200 and/or in certain rules in the 4 CSR 240-3.205 thru 4 CSR 240-3.295 “block” of rules. As a result, the definitions of those terms will not be removed as suggested. Based on the above, the commission is removing the unused definitions from the proposed rule and renumbering the remaining definitions accordingly.

COMMENT: The second entity that submitted comments regarding this proposed rule noted that the rule contains the definitions of certain terms that are not actually used in other rules, and suggested that the definition of any term that is not used in other rules should be removed from this rule. Specifically, the comments suggested that the definitions of terms such as affiliate, affiliated entity, affiliate transaction and control be removed.

RESPONSE AND EXPLANATION OF CHANGE: The commission notes that it agrees with the suggestion that any unused definitions should be removed from the proposed rule. The commission also notes, however, that the terms affiliate and control are used in other definitions in rule 4 CSR 240-3.200 and/or in certain rules in the 4 CSR 240-3.205 thru 4 CSR 240-3.295 “block” of rules. As a result, the definitions of those terms will not be removed as suggested. Based on the above, the commission is removing the unused definitions from the proposed rule and renumbering the remaining definitions accordingly.

4 CSR 240-3.200 Definitions Pertaining Specifically to Gas Utility Rules

(2) Appliance or equipment means any device which consumes gas energy and any ancillary device required for its operation.

(3) Consideration shall be interpreted in its broadest sense and shall include any cash, donation, gift, allowance, rebate, discount, bonus, merchandise (new or used), property (real or personal), labor, service, conveyance, commitment, right or other thing of value.

(4) Control (including the terms “controlling,” “controlled by,” and “common control”) means the possession, directly or indirectly, of the power to direct, or to cause the direction of the management or policies of an entity, whether such power is exercised through one (1) or more intermediary entities, or alone, or in conjunction with, or pursuant to an agreement with, one (1) or more other entities, whether such power is exercised through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, affiliated entities, contract or any other direct or indirect means. The commission shall presume that the beneficial ownership of ten percent (10%) or more of voting securities or partnership interest of an entity constitutes control for purposes of this rule. This provision, however, shall not be construed to prohibit a regulated gas corporation from rebutting the presumption that its ownership interest in an entity confers control.

(5) Cost-effective means that the present value of life-cycle benefits is greater than the present value of life-cycle costs to the provider of an energy service.

(6) Demand-side resource means any inefficient energy-related choice that can be influenced cost-effectively by a utility. The meaning of this term shall not be construed to include load-building program.

(7) Designated commission personnel means the commission’s Pipeline Safety Program Manager at the address contained in 4 CSR 240-40.020(5) for written reports and the list of staff personnel sup-

plied to the operators for telephonic notices, both as are required by 4 CSR 240-40.020.

(8) Gas means natural gas, flammable gas, manufactured gas or gas which is toxic or corrosive.

(9) Gas seller means any person who uses, leases, or controls the distribution system of a distributor or a political subdivision or any part thereof to sell energy services at retail within a political subdivision, other than a distributor or a political subdivision.

(10) Inefficient energy-related choice means any decision that causes the life-cycle cost of providing an energy service to be higher than it would be for an available alternative choice.

(11) Load-building program means an organized promotional effort by a utility to persuade energy-related decision makers to choose the form of energy supplied by that utility instead of other forms of energy for the provision of energy service or to persuade customers to increase their use of that utility’s form of energy, either by substituting it for other forms of energy or by increasing the level or variety of energy services used. This term is not intended to include the provision of technical or engineering assistance, information about filed rates and tariffs or other forms of routine customer service.

(12) Operator means a person who engages in the transportation of gas.

(13) Pipeline or pipeline system means all parts of those physical facilities through which gas moves in transportation including, but not limited to, pipe, valves and other appurtenances attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders and fabricated assemblies.

(14) Pipeline facility means new and existing pipeline, rights-of-way and any equipment, facility or building used in the transportation of gas or in the treatment of gas during the course of transportation.

(15) Promotional practices means any consideration offered or granted by a gas utility or its affiliate to any person for the purpose, express or implied, of inducing the person to select and use the service or use additional service of the utility or to select or install any appliance or equipment designed to use the utility service, or for the purpose of influencing the person’s choice or specification of the efficiency characteristics of appliances, equipment, buildings, utilization patterns or operating procedures. The term promotional practices shall not include the following activities:

(A) Making any emergency repairs to appliances or equipment of customers;

(B) Providing appliances or equipment incidental to demonstrations of sixty (60) days or less in duration;

(C) Providing light bulbs, street or outdoor lighting service, wiring, service pipe or other service equipment or appliances, in accordance with tariffs filed with and approved by the commission;

(D) Providing appliances or equipment to an educational institution for the purpose of instructing students in the use of the appliances or equipment;

(E) Merchandising appliances or equipment at retail and, in connection therewith, the holding of inventories, making and fulfillment of reasonable warranties against defects in material and workmanship existing at the time of delivery and financing; provided that the merchandising shall not violate any prohibition contained in 4 CSR 240-14.020;

(F) Inspecting and adjusting of appliances or equipment by a gas utility;

(G) Repairing and other maintenance to appliances or equipment by a gas utility if charges are at cost or above;

(H) Providing free or below-cost energy audits or other information or analysis regarding the feasibility and cost-effectiveness of

improvements in the efficiency characteristics of appliances, equipment, buildings, utilization patterns or operating procedures;

(I) Offering to present or prospective customers by a gas utility technical or engineering assistance; and

(J) Advertising or publicity by a gas utility which is under its name and on its behalf and which does not in any manner, directly or indirectly, identify, describe, refer to, mention or relate to any architect, builder, engineer, subdivider, developer or other similar person, or which mentions no less than three (3) existing projects, developments or subdivisions.

(16) Service line means a distribution line that transports gas from a common source of supply to a) a customer meter or the connection to a customer's piping, whichever is farther downstream, or b) the connection to a customer's piping if there is no customer meter. A customer meter is the meter that measures the transfer of gas from an operator to a consumer.

(17) Transmission line means a pipeline, other than a gathering line, that:

(A) Transports gas from a gathering line or storage facility to a distribution center, storage facility, or large volume customer that is not downstream from a distribution center (A large volume customer may receive similar volumes of gas as a distribution center, and includes factories, power plants, and institutional users of gas);

(B) Operates at a hoop stress of twenty percent (20%) or more of specified minimum yield strength (SMYS); or

(C) Transports gas within a storage field.

(18) Transportation of gas means the receipt of gas at one point on a regulated gas corporation's system and the redelivery of an equivalent volume of gas to the retail customer of the gas at another point on the regulated gas corporation's system including, without limitation, scheduling, balancing, peaking, storage, and exchange to the extent such services are provided pursuant to the regulated gas corporation's tariff, and includes opportunity sales.

(19) Yard line means an underground fuel line that transports gas from the service line to the customer's building. If multiple buildings are being served, building shall mean the building nearest to the connection to the service line. For purposes of this definition, if above-ground fuel line piping at the meter location is located within five feet (5') of a building being served by that meter, it shall be considered to the customer's building and no yard line exists. At meter locations where aboveground fuel line piping is located greater than five feet (5') from the building(s) being served, the underground fuel line from the meter to the entrance into the nearest building served by that meter shall be considered the yard line and any other lines are not considered yard lines.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.205 Filing Requirements for Gas Utility
Applications for Certificates of Convenience and Necessity
is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1599-1600). No changes have been made in the text of

the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.210 Filing Requirements for Gas Utility
Applications for Authority to Sell, Assign, Lease or Transfer
Assets **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1600). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.215 Filing Requirements for Gas Utility
Applications for Authority to Merge or Consolidate **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1600-1601). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on the use of the term "purchaser" in one (1) section of the rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule stated the opinion that it is inappropriate for the commission to use the term "purchaser" in this rule, since the rule pertains to utility mergers and consolidations and there is no "purchaser" in such situations.

RESPONSE: The commission notes that the use of the referenced term comes from an existing rule related to this topic, and that in the interest of not making changes that could be considered substantive

when comparing the existing rule and this proposed rule, the term “purchaser” was used in the proposed rule. While the commission agrees with the gist of the comments, it continues to be concerned that any changes to the subject language in the proposed rule could be considered substantive. Based on the foregoing, the commission is not making any changes to the proposed rule at this time.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 24—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.220 Filing Requirements for Gas Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1601). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.225 Filing Requirements for Gas Utility Applications for Authority to Acquire the Stock of a Public Utility **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1601–1602). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.230 Filing Requirements for Gas Storage Companies Requesting the Authority to Acquire Property Through Eminent Domain Proceedings **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1602). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.235 Filing Requirements for Gas Utility General Rate Increase Requests **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1602–1603). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on the title of the rule and a possible duplication of language in regard to another rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule addressed two (2) issues regarding the rule. First, the comments suggested that a better title for this rule could be found and/or that the requirements of this rule could be combined with the requirements of rule 4 CSR 240-3.030, which deals with the same general topic of filing requirements pertaining to general rate increases. The comments noted that the purpose section of this rule contains a cross-reference to rule 4 CSR 240-3.030, but that this is not believed sufficient. Second, the comments noted that there might be an unnecessary duplication of language in this rule and in rule 4 CSR 240-3.275.

RESPONSE: Regarding the title of this rule and the rule’s relationship to rule 4 CSR 240-3.030, the commission notes that rule 4 CSR 240-3.030 contains filing requirements that apply to all regulated utilities and that this rule contains additional requirements that apply only to gas utilities. Accordingly, the commission believes that the title of this rule is appropriate and that the combination of this rule and 4 CSR 240-3.030 would not be appropriate. The commission also notes that rule 4 CSR 240-3.030 contains a cross-reference to this rule and that there should thus not be any confusion as to what is required of a utility that is filing a general rate increase request. Additionally, the commission notes that the title of this rule was selected in anticipation of additional requirements being added to this rule at a later date through an additional rulemaking. Regarding the possible duplication of language in this rule and rule 4 CSR 240-3.275, the commission

notes that while these two (2) rules deal with similar subjects, they deal with different situations and thus the referenced language is necessary in both rules. Based on the above, no changes have been made to the proposed rule as a result of these comments.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.240 Gas Utility Small Company Rate Increase
Procedure is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1603-1604). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.245 Annual Report Filing Requirements for Gas
Utilities is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1604). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.250 Submission of Gas Utility Residential Heat-
Related Service Cold Weather Report is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1604-1605). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.255 Filing Requirements for Gas Utility
Promotional Practices is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1605). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.260 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1606). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on an apparent typographical error in the rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule pointed out an apparent typographical error in section (3) of the proposed rule, regarding the omission of an underscore at the end of the fifth sentence of this section.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that the noted typographical error exists and is modifying section (3) of the proposed rule accordingly.

4 CSR 240-3.260 Filing Requirements for Gas Utility Rate Schedules

(3) Rate schedules shall be drawn up substantially in accordance with Form No. 14 and shall be plainly printed or typewritten on good quality of paper of size eight and one-half inches by eleven inches (8 1/2" × 11") in book, sheet or pamphlet form. A loose-leaf plan may be used so changes can be made by reprinting and inserting a single leaf. When the loose-leaf plan is used, all sheets, except the title page sheet, must show in the marginal space at the top of the page the name of the gas corporation issuing, the PSC number of schedule and the number of the page. In the marginal space at the bottom of sheet should be shown—the date of issue, the effective date and the name, title and address of the officer by whom the schedule is issued. All schedules shall bear a number with the prefix PSC Mo. _____. Schedules shall be numbered in consecutive serial order beginning with number 1 for each gas corporation. If a schedule or part of a schedule is cancelled, a new schedule or part thereof (sheet(s) if loose-leaf) will refer to the schedule canceled by its PSC number; thus: PSC Mo. No. _____ canceling PSC Mo. No. _____.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.270 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1606-1607). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from two (2) entities regarding this proposed rule. The comments focused on the issue of whether this rule is a "reference" or "signpost" rule or whether it imposes requirements not currently found in the commission's rules. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The first entity that submitted comments on this proposed rule noted that the rule appears to be a "reference" rule that merely refers the reader to other rules. Accordingly, that entity also requested that the commission confirm that the language in this rule does not place independent obligations on gas corporations outside of the obligations contained in the rules to which reference is made.

RESPONSE AND EXPLANATION OF CHANGE: The commission confirms that this proposed rule is a "reference" rule that is only intended to refer the reader to other rules, and confirms that this rule does not place independent obligations on gas corporations outside of the obligations contained in the rules to which reference is made. Additionally, the commission is making changes to the proposed rule to clarify its intent.

COMMENT: The second entity that submitted comments regarding this proposed rule submitted comments that are best summarized in several parts as follows. (1) The comments note that it is not clear whether the commission intended to make substantive changes in this

proposed rule, and that there is nothing in the Purpose section of the rule to indicate that new requirements are being imposed. (2) The comments note that a concern about the proposed rule comes from the use of the phrase "must be submitted to commission personnel" in several sections of the rule, which is considered to be a new and vague provision. The comments further state that the definition of the term "designated commission personnel" found in 4 CSR 240-3.200(9) is a new definition. (3) The comments note that the proposed rule does not state when any of the required submissions must be made, only that it requires them to be made. (4) The comments note that the proposed rule was apparently intended as a "signpost" for several requirements in another existing rule, 4 CSR 240-40.030. (5) Regarding the comments summarized in items (1) thru (4) above, the comments suggest that the commission change the proposed rule to include a reference where a reader of the rules should go to find the actual submission requirements, as has been done in other instances in other proposed rules. (6) Lastly, the comments note an apparent typographical error in section (10) of the proposed rule, in that the term "yard line" should be "yard lines."

RESPONSE AND EXPLANATION OF CHANGE: The commission's response to the above comments will be offered for each group of comments set out above. (1) In response to these comments, the commission notes that there was no intention to make substantive changes to existing requirements by promulgating this rule, and affirmatively states that no new requirements will be imposed by this rule going into effect. (2) In response to these comments, the commission notes that the phrase "must be submitted to commission personnel" is a phrase that is currently used in commission rules pertaining to the subject matter of the proposed rule. Additionally, the commission notes that the term "designated commission personnel" is a term that is already defined in commission rules pertaining to the subject matter of the proposed rule. Specifically, the subject phrase and term are used/included in certain sections of 4 CSR 240-40.030. (3) The commission acknowledges that the proposed rule does not contain any specific information regarding when the required submissions must be made, but notes that the timing of the submissions is contained in the rules referenced in the general section of the proposed rule. (4) The commission notes that the proposed rule is intended as a "signpost" to various requirements in 4 CSR 240-40.030. The commission further notes that it believes it is appropriate to include such a signpost in this rule, in that its intent in developing Chapter 3 is to include in Chapter 3 at least a reference to all filing and submission requirements contained in other commission rules. (5) The commission agrees that certain changes to the proposed rule would help clarify where a reader should go to find the actual submission requirements that are the subject of the proposed rule. (6) The commission notes that the comments submitted are accurate and will correct the referenced typographical error. Based on the foregoing, the commission is modifying the title of and Purpose statement for the proposed rule and reorganizing the rule to clarify its "signpost" intent, and is also correcting the noted typographical error.

4 CSR 240-3.270 Submission Requirements Regarding Plans, Procedures and Programs for the Transportation of Natural Gas by Pipeline

PURPOSE: This rule sets forth the plans, procedures and programs related to the transportation of natural gas by pipelines, which are to be submitted to designated commission personnel under various provisions of 4 CSR 240-40.

(1) General. All gas systems under the pipeline safety jurisdiction of the Missouri Public Service Commission must establish and submit welding procedures, joining procedures and construction specifications and standards to designated commission personnel before construction activities begin. All other plans, procedures and programs required by rules 4 CSR 240-40.020, 4 CSR 240-40.030, and 4 CSR

240-40.080 must be established and submitted to designated commission personnel before the system is put into operation.

(2) The plans, procedures and programs listed in subsections (A)–(H) below must be submitted to designated commission personnel in accordance with 4 CSR 240-40.030(1)(J) and maintained and modified in accordance with 4 CSR 240-40.030(1)(G).

(A) Written welding procedures in accordance with 4 CSR 240-40.030(5);

(B) Written procedures for joining pipelines other than by welding in accordance with 4 CSR 240-40.030(6)(B) and (6)(G);

(C) Written procedures for controlling corrosion in accordance with the operation and maintenance requirements contained in 4 CSR 240-40.030(9) in accordance with 4 CSR 240-40.030(9)(C);

(D) A manual of written procedures for conducting operations and maintenance activities and for emergency response in accordance with 4 CSR 240-40.030(12)(C). Transmission lines that are not exempt under 4 CSR 240-40.030(12)(C)3.E. must also submit a manual that includes procedures for handling abnormal operations in accordance with 4 CSR 240-40.030(12)(C)3.;

(E) A written operator qualification program for individuals performing covered tasks on a pipeline facility in accordance with 4 CSR 240-40.030(12)(D);

(F) A written program to prevent damage to pipelines by excavation activities in accordance with 4 CSR 240-40.030(12)(I)1.;

(G) Written procedures to minimize the hazard resulting from a gas pipeline emergency in accordance with 4 CSR 240-40.030(12)(J)1.;

(H) Written programs for the replacement of unprotected steel service lines and yard lines and cast iron mains and the cathodic protection or replacement of unprotected steel mains in accordance with 4 CSR 240-40.030(15)(B).

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.275 Submission Requirements for Gas Utility
Depreciation Studies is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1607-1608). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on a possible duplication of language in regard to another rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule noted that there may be an unnecessary duplication of language in this rule and in rule 4 CSR 240-3.235.

RESPONSE: The commission notes that while these two (2) rules deal with similar subjects, they deal with different situations and thus the referenced language is necessary in both rules. Based on this, no

changes have been made to the proposed rule as a result of these comments.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.280 Submission Requirements Regarding Gas
Utility Written Drug and Alcohol Testing Plans is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1608). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one entity regarding this proposed rule. The comments focused on whether this rule places additional obligations on gas corporations or whether it is simply a reference to other commission rules. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule noted that the rule appears to be a “reference” rule that merely refers the reader to other rules, and requested that the commission confirm that the language in this rule does not place independent obligations on gas corporations outside of the obligations contained in the rules to which reference is made.

RESPONSE: The commission confirms that this proposed rule is a “reference” rule that is only intended to refer the reader to other rules, and confirms that this rule does not place independent obligations on gas corporations outside of the obligations contained in the rules to which reference is made. Based on the above, no changes have been made to the proposed rule as a result of these comments.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 393.299, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.285 Filing Requirements Regarding Certification of
Gas Sellers is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1608-1609). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.290 Submission Requirements Regarding Gas
Utility Incident, Annual and Safety-Related Condition Reports
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1609). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on whether this rule places additional obligations on gas corporations or whether it is simply a reference to other commission rules. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule noted that the rule appears to be a “reference” rule that merely refers the reader to other rules, and requested that the commission confirm that the language in this rule does not place independent obligations on gas corporations outside of the obligations contained in the rules to which reference is made.

RESPONSE: The commission confirms that this proposed rule is a “reference” rule that is only intended to refer the reader to other rules, and confirms that this rule does not place independent obligations on gas corporations outside of the obligations contained in the rules to which reference is made. Based on the above, no changes have been made to the proposed rules as a result of these comments.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.295 Submission Requirements Regarding Gas
Utility Written Procedures for Conversion of Service and
Upgrading is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1609-1610). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on whether this rule places additional obligations on gas corporations or whether it is simply a reference to other commission rules. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule noted that the rule appears to be a “reference” rule that merely refers the reader to other rules, and requested that the commission confirm that the language in this rule does not place independent obligations on gas corporations outside of the obligations contained in the rules to which reference is made.

RESPONSE: The commission confirms that this proposed rule is a “reference” rule that is only intended to refer the reader to other rules, and confirms that this rule does not place independent obligations on gas corporations outside of the obligations contained in the rules to which reference is made. Based on the above, no changes have been made to the proposed rule as a result of these comments.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.300 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1610). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on whether additional definitions need to be included in this rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule noted that certain definitions pertaining to sewer utilities, which are found in commission rule 4 CSR 240-60.010(3), are not included in this rule or in rule 4 CSR 240-3.010 (the general definition rule for Chapter 3 that is referenced in this rule) and suggested that such definitions should at least be referenced in this rule.

RESPONSE AND EXPLANATION OF CHANGE: The commission acknowledges that certain definitions contained in 4 CSR 240-60.010(3) are not duplicated in this rule or in rule 4 CSR 240-3.010, but notes that only one (1) of those definitions is used in the Chapter 3 rules (the definition of sewage). As a result, it is not necessary to reference rule 4 CSR 240-60.010(3) in its entirety, but it is necessary to add the missing definition. Based on the above, the commission is modifying the proposed rule by adding the definition of “sewage” found in rule 4 CSR 240-60.010(3) to this rule and renumbering the sections of this rule accordingly.

4 CSR 240-3.300 Definitions Pertaining Specifically to Sewer Utility Rules

(2) Sewage means ground garbage, human and animal excretions and all other liquid waste normally disposed of by a residential, commercial or industrial establishment, through the sanitary sewer system.

(3) Sewer service means the removal and treatment of sewage.

(4) Sewer system includes all pipes, pumps, canals, lagoons, plants, structures and appliances and all other real estate, fixtures and personal property, owned, operated, controlled or managed in connection with or to facilitate the collection, carriage, treatment and disposal of sewage for municipal, domestic or other beneficial or necessary purpose.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.305 Filing Requirements for Sewer Utility
Applications for Certificates of Convenience and Necessity
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1610-1611). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.310 Filing Requirements for Sewer Utility
Applications for Authority to Sell, Assign, Lease or Transfer
Assets is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1611). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.315 Filing Requirements for Sewer Utility
Applications for Authority to Merge or Consolidate is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1611-1612). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on the use of the term "purchaser" in one (1) section of the rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule stated the opinion that it is inappropriate for the commission to use the term "purchaser" in this rule, since the rule pertains to utility mergers and consolidations and there is no "purchaser" in such situations.

RESPONSE: The commission notes that the use of the referenced term comes from an existing rule related to this topic, and that in the interest of not making changes that could be considered substantive when comparing the existing rule and this proposed rule, the term "purchaser" was used in the proposed rule. While the commission agrees with the gist of the comments, it continues to be concerned that any changes to the subject language in the proposed rule could be considered substantive.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250, 386.310 and 392.200, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.320 Filing Requirements for Sewer Utility
Applications for Authority to Issue Stock, Bonds, Notes and Other
Evidences of Indebtedness is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1612). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.325 Filing Requirements for Sewer Utility Applications for Authority to Acquire the Stock of a Public Utility **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1612-1613). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.330 Sewer Utility Small Company Rate Increase Procedure **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1613-1614). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.335 Annual Report Filing Requirements for Sewer Utilities **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1614). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.340 Filing Requirements for Sewer Utility Tariff Schedules **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1614-1616). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.400 Filing Requirements for Steam Heating Utility Applications for Certificates of Convenience and Necessity **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1616-1617). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on the inclusion of the term “electrical transmission lines” and “electrical production facilities” in the rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule stated that the inclusion of the terms “electrical transmission lines” and “electrical production facilities” in subsection (1)(B) is an apparent mistake as this rule applies to steam heating utility applications for certificates of convenience and necessity, and that certificate application requirements related to electrical transmission lines and electrical production facilities are covered in the corresponding rule related to electric utilities (4 CSR 240-3.105).

RESPONSE: The commission acknowledges that the requirements related to electric utility certificates of convenience and necessity are contained in 4 CSR 240-3.105 as is noted in the comments. The commission also notes, however, that it could be necessary for a steam heating utility to construct electric transmission lines or electrical production facilities, and thus necessary for the steam heating utility

to obtain a certificate of convenience and necessity for such lines. It is for this reason that the terms “electrical transmission lines” and “electrical production facilities” are included in this rule. Based on the above, no changes have been made to the proposed rule as a result of these comments.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.405 Filing Requirements for Steam Heating Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1617). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.410 Filing Requirements for Steam Heating Utility Applications for Authority to Merge or Consolidate is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1617–1618). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on the use of the term “purchaser” in one (1) section of the rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The comments state that it is inappropriate for the commission to use the term “purchaser” in this rule, since the rule pertains to utility mergers and consolidations and there is no “purchaser” in such situations.

RESPONSE: The commission notes that the use of the referenced term comes from an existing rule related to this topic, and that in the interest of not making changes that could be considered substantive when comparing the existing rule and this proposed rule, the term

“purchaser” was used in the proposed rule. While the commission agrees with the gist of the comments, it continues to be concerned that any changes to the subject language in the proposed rule could be considered substantive. Based on the foregoing, the commission is not making any changes to the proposed rule at this time.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.415 Filing Requirements for Steam Heating Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1618). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.420 Filing Requirements for Steam Heating Utility Applications for Authority to Acquire the Stock of a Public Utility is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1618–1619). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250, 393.140 and 393.290, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.425 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1619-1620). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on an apparent typographical error in the rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule pointed out an apparent typographical error in section (3) of the proposed rule, regarding the omission of an underscore at the end of the fifth sentence of this section.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that the noted typographical error exists, and also notes that two similar typographical errors exist in the last sentence of the referenced section. Accordingly, the commission is modifying section (3) of the proposed rule.

4 CSR 240-3.425 Filing Requirements for Steam Heating Utility Rate Schedules

(3) Rate schedules shall be drawn up substantially in accordance with PSC Form No. 16 and shall be plainly printed or typewritten on good quality of paper of size eight and one-half inches by eleven inches (8 1/2" x 11") in book, sheet or pamphlet form. A loose-leaf plan may be used so changes can be made by reprinting and inserting a single leaf. When the loose-leaf plan is used, all sheets, except the title page sheet, must show, in the marginal space at top of page, the name of the heating company, the PSC number of the schedule and the number of the page. In the marginal space at the bottom of the sheet shall be shown the date of issue, effective date and the name, title and address of the officer by whom the schedule is issued. All schedules shall bear a number with the prefix PSC Mo. _____. Schedules shall be numbered in consecutive serial order beginning with number 1 for each steam heating company. If a schedule or a part is canceled, a new schedule or part (sheet(s) if loose-leaf) will refer to the schedule canceled by its PSC number; thus, PSC Mo. No. _____ canceling PSC Mo. No. _____.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250, 393.140 and 393.290, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.435 Annual Report Filing Requirements for Steam Heating Utilities is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1620). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.500 Definitions Pertaining Specifically to Telecommunication Company Rules is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1620-1621). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.505 Filing Requirements for Telecommunications Company Applications for Certificates of Interexchange Service Authority to Provide Customer-Owned Coin Telephone Service is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1621). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.510 Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Telecommunications Services, Whether Interexchange, Local Exchange or Basic Local Exchange is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1621-1622). No changes have been made in the text of

the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.515 Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Shared Tenant Services **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1622). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.520 Filing Requirements for Telecommunications Company Applications for Authority to Sell, Assign, Lease or Transfer Assets **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1622–1623). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.525 Filing Requirements for Telecommunications Company Applications for Authority to Merge or Consolidate **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1623–1624). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on the use of the term “purchaser” in one (1) section of the rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule stated the opinion that it is inappropriate for the commission to use the term “purchaser” in this rule, since the rule pertains to utility mergers and consolidations and there is no “purchaser” in such situations.

RESPONSE: The commission notes that the use of the referenced term comes from an existing rule related to this topic, and that in the interest of not making changes that could be considered substantive when comparing the existing rule and this proposed rule, the term “purchaser” was used in the proposed rule. While the commission agrees with the gist of the comments, it continues to be concerned that any changes to the subject language in the proposed rule could be considered substantive. Based on the foregoing, the commission is not making any changes to the proposed rule at this time.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.530 Filing Requirements for Telecommunications Company Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1624). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.535 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1624-1625). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on an exemption in the rule that applies to competitive telecommunications companies. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule objected to the inclusion of language that would exempt competitive telecommunications companies from the obligations of this rule, and contended that the inclusion of such language is tantamount to a "substantive" change to the relevant existing obligations. The comments also set forth the rationale for the basis of the stated objection and contention.

RESPONSE AND EXPLANATION OF CHANGE: Upon consideration of the comments, the commission agrees that the language exempting competitive telecommunications companies from the obligations of this rule should not be included in the rule at this time. As a result, the commission is modifying the proposed rule by removing section (1) of the rule and renumbering the remaining sections accordingly.

4 CSR 240-3.535 Filing Requirements for Telecommunications Company Applications for Authority to Acquire the Stock of a Public Utility

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to acquire the stock of a public utility shall include:

(A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;

(B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and

(C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 392.210, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.540 Annual Report Filing Requirements for
Telecommunications Companies is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1625). No changes have been made in the text of the pro-

posed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 392.220, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.545 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1625-1630). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on the issue of waivers previously granted for the requirements of the rule under different rule numbers. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule requested that the commission confirm in its order of rulemaking that waivers previously granted for 4 CSR 240-30.010(2)(C), a rule that contains the same requirements as the proposed rule and that is being rescinded in a companion rulemaking, shall extend and apply to the proposed rule so that duplicative waiver proceedings will not be necessary.

RESPONSE AND EXPLANATION OF CHANGE: In response to these comments, the commission confirms that waivers previously granted to telecommunications carriers for the requirements of 4 CSR 240-30.010(2)(C) will extend to the same requirements in the proposed rule and will thus not result in duplicative waiver proceedings. Accordingly, the commission is modifying the proposed rule by adding a new section at the end of the rule pertaining to this matter.

**4 CSR 240-3.545 Filing Requirements for Telecommunications
Company Rate Schedules**

(36) Waivers regarding compliance with the requirements of this rule granted under previously used rule numbers such as 4 CSR 240-30.010(2)(C) will continue in effect unless otherwise ordered by the commission.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.550 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1630-1631). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on the issue of waivers previously granted for the requirements of the rule under different rule numbers and on an apparent error in a reference contained in the rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule addressed two (2) issues. First, it was requested that the commission confirm in its order of rulemaking that waivers previously granted for 4 CSR 240-32.030(4)(C), a rule that contains the same requirements as the proposed rule and that is being rescinded in a companion rulemaking, shall extend and apply to the proposed rule so that duplicative waiver proceedings will not be necessary. Second, it was noted that an incorrect reference exists in subsection (5)(B) of the rule, as the currently referenced rule is being rescinded and replaced by a new rule.

RESPONSE AND EXPLANATION OF CHANGE: Regarding the issue of previously granted waivers, the commission confirms that waivers previously granted to telecommunications carriers will extend to the proposed rule and will thus not result in duplicative waiver proceedings. Regarding the incorrect rule reference, the commission notes that the comments are accurate. Based on the above, the commission is modifying subsection (5)(B) of the rule to correct the noted error and is adding a new section to the end of the rule pertaining to the waiver issue.

4 CSR 240-3.550 Telecommunications Company Records and Reports

(5) Companies shall file the following information with the commission:

(B) Each company shall have its tariff on file with the commission in accordance with 4 CSR 240-3.545;

(6) Waivers regarding compliance with the requirements of this rule granted under previously used rule numbers such as 4 CSR 240-32.030(4)(C) will continue in effect unless otherwise ordered by the commission.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.555 Telecommunications Company Residential Customer Inquiries is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1631-1632). No changes have been made in the text of

the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.600 Filing Requirements for Water Utility Applications for Certificates of Convenience and Necessity is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1632). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.605 Filing Requirements for Water Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1632-1633). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.610 Filing Requirements for Water Utility Applications for Authority to Merge or Consolidate is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1633). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received written comments from one (1) entity regarding this proposed rule. The comments focused on the use of the term “purchaser” in one (1) section of the rule. The period for receiving written comments on this proposed rule ended on October 16, 2002. The commission held a public hearing on this proposed rule on October 25, 2002, but received no comments regarding the rule at that hearing.

COMMENT: The entity that submitted comments regarding this proposed rule stated the opinion that it is inappropriate for the commission to use the term “purchaser” in this rule, since the rule pertains to utility mergers and consolidations and there is no “purchaser” in such situations.

RESPONSE: The commission notes that the use of the referenced term comes from an existing rule related to this topic, and that in the interest of not making changes that could be considered substantive when comparing the existing rule and this proposed rule, the term “purchaser” was used in the proposed rule. While the commission agrees with the gist of the comments, it continues to be concerned that any changes to the subject language in the proposed rule could be considered substantive. Based on the foregoing, the commission is not making any changes to the proposed rule at this time.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.615 Filing Requirements for Water Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1633–1634). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.620 Filing Requirements for Water Utility Applications for Authority to Acquire the Stock of a Public Utility **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1634). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 247.172 and 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.625 Filing Requirements for Applications for Approval of Water Service Territorial Agreements **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1634–1635). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 247.172 and 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.630 Schedule of Fees Applicable to Applications for Approval of Water Service Territorial Agreements and Petitions for Designation of Water Service Areas **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1635). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.635 Water Utility Small Company Rate Increase
Procedure **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1636). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements****ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.640 Annual Report Filing Requirements for Water
Utilities **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1636-1637). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements****ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-3.645 Filing Requirements for Water Utility Rate
Schedules **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1637-1638). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 10—Utilities****ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under sections 392.210 and 392.220, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-10.070 Minimum Filing Requirements for General Rate
Increase Requests **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1638). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 10—Utilities****ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under sections 392.210 and 393.140, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-10.080 Annual Report Filing Requirements
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1638-1639). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication of the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 13—Service and Billing Practices for
Residential Customers of Electric, Gas and Water
Utilities****ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 393.140, RSMo 2000 and 393.130, RSMo Supp. 2002, the commission amends a rule as follows:

4 CSR 240-13.055 Cold Weather Maintenance of Service:
Provision of Residential Heat-Related Utility Service During Cold
Weather **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1639). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 14—Utility Promotional Practices**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250, 386.610 and 393.140, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-14.040 Filing of Promotional Practices is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1639-1640). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 20—Electric Utilities**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 393.140, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-20.010 Rate Schedules is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1640). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 20—Electric Utilities**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-20.030 Uniform System of Accounts—Electrical Corporations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1640-1641). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 20—Electric Utilities**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-20.060 Cogeneration is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1641-1644). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 20—Electric Utilities**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 393.292, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-20.070 Decommissioning Trust Funds is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1644-1645). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 20—Electric Utilities**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 393.140, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-20.080 Electrical Corporation Reporting Requirements for Certain Events is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1646). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 21—Electric Service Territorial Agreements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 394.312 and 386.800, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-21.010 Schedule of Fees is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1646). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 30—Telephone Utilities**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 392.220, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-30.010 Rate Schedules is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1646-1647). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250, 386.310 and 392.200, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-32.030 Records and Reports is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1647). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for
Telecommunications Companies**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250 and 392.200, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-33.060 Residential Customer Inquiries is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1647-1648). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 393.140(11), RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-40.010 Rate Schedules is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1648). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the commission amends a rule as follows:

**4 CSR 240-40.040 Uniform System of Accounts—Gas
Corporations is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1648-1649). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 45—Certification of Energy Sellers**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 393.299, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-45.010 Certification of Energy Sellers is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1649-1650). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 50—Water Utilities**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 393.140(11), RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-50.010 Rate Schedules is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1650). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 51—Water Service Territorial Agreements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 247.172, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-51.010 Schedule of Fees is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1650). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 60—Standards of Service by Sewer Utilities**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 393.140(11), RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-60.030 Tariff Schedules is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1650-1651). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 80—Steam Heating Utilities**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 393.290, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-80.010 Rate Schedules is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1651). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 80—Steam Heating Utilities**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.250, 393.140 and 393.290, RSMo 2000, the commission amends a rule as follows:

**4 CSR 240-80.020 Uniform System of Accounts—Heating
Companies is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1651-1652). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication of the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.055, RSMo 2000, the department amends a rule as follows:

9 CSR 10-7.110 Personnel is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2002 (27 MoReg 1772). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received two (2) comments on the proposed amendment.

COMMENT: Commenting on section (5), one commenter indicated that the language of the proposed amendment is unclear as to how it will affect nursing students who wish to do clinical practicums with community providers and the term “other support services” is also unclear.

RESPONSE: The department disagrees with this comment and has not revised the rule as requested.

COMMENT: The department received one comment relating to the application of the requirement to Medicaid services for persons who are developmentally disabled.

RESPONSE: This rule does not apply to Medicaid services for persons who are developmentally disabled.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.055, RSMo 2000, the department amends a rule as follows:

9 CSR 10-7.130 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1951). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Even though no specific comment was received, the department is making the following grammatical change in subsection (5)(E). The department is changing the word “who” to “that” when it refers to an organization or organizations.

9 CSR 10-7.130 Procedures to Obtain Certification

(5) The department may grant certification on a temporary, provisional, conditional, or compliance status. In determining certification status, the department shall consider patterns and trends of performance identified during the site survey.

(E) For organizations that have attained full accreditation under standards for behavioral healthcare from CARF, JCAHO, and COA, and that receive an expedited site survey from the department, compliance status from the department shall be for a period of time equal to the length of the accreditation received from the accrediting entity.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.055, RSMo 2000, the department adopts a rule as follows:

9 CSR 30-4.195 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2002 (27 MoReg 1772–1784). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received several comments on the proposed rule.

COMMENT: One person stated that paragraph (4)(B) 2. is unclear as to what is meant by status of the caller.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this comment and since it appears to be redundant, has revised the rule accordingly.

COMMENT: Commenting on subsection (5)(C), one person suggested that the wording should be changed since most administrative agents contract for hotline services.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this comment and has changed the rule accordingly.

COMMENT: One commenter indicated that for simplification in (5)(C), each hotline should maintain a written description of the telephone hotline system containing information in items 1 through 8.

RESPONSE: The department disagrees with this comment because it is the responsibility of each administrative agent to provide the description of the hotline system however, the description could be shared with the hotline provider.

COMMENT: Commenting on (5)(C)6., one person feels that adequate resources are not available to have twenty-four (24)-hour availability of interpreters in a face-to-face setting.

RESPONSE: The department disagrees with this comment and has not revised the rule as requested.

COMMENT: Regarding subsection (5)(D), the commenter suggested changing the wording to reflect that more than one agency staff person could be on call.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has changed the rule accordingly.

COMMENT: In subsection (5)(I), one commenter suggested changing the wording to require each administrative agent to be able to demonstrate how specialized staff are to be reached instead of requiring a written protocol.

RESPONSE: The department disagrees and has not revised the rule as requested.

COMMENT: One commenter, in subsection (5)(J), suggested that it would be more appropriate if administrative agents are required to have a Continuous Quality Improvement (CQI) process in place to review complaints and adverse outcomes. This process may not occur within the twenty-four (24)-hour time limit. The commenter felt that this is overly prescriptive without appropriate cost benefit in an under funded system.

RESPONSE: The department disagrees and has not revised the rule as requested. This policy is consistent with requirements previously established in conjunction with providers.

COMMENT: Commenting on (5)(L)6. one person feels that adequate resources are not available to have twenty-four (24)-hour availability of interpreters in a face-to-face setting.

RESPONSE: The department agrees with this comment and has not revised the rule as requested.

COMMENT: In subsection (5)(O), one commenter stated that it is clinically inappropriate and potentially costly to have a phone only response only when both client and on-call staff agree. Instead, the commenter recommends that if the client is unhappy and complains, then the CQI process mentioned in 5 should be employed to investigate.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this comment and has not revised the rule as requested.

COMMENT: In subsection (5)(P)1. through 6, one commenter recommended removing number 5 from the list.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this comment and has revised the rule accordingly.

COMMENT: One commenter indicated that subsections (6)(A) and (B) should be removed.

RESPONSE: The department disagrees with this comment and has not revised the rule as requested.

COMMENT: Regarding subsection (6)(A)13. where it indicates that the general public be made aware of the crisis system and two (2) paragraphs later, it is further qualified that this must be done on an "ongoing basis," one commenter indicated that given the funding inadequacies, it seems inappropriate to require agencies to "case find" and further stretch inadequate resources.

RESPONSE: The department disagrees with this comment and has not revised the rule as requested.

COMMENT: In subsection (6)(E), one commenter suggested that requiring providers to publish the telephone number of the hotline be removed due to lack of funding.

RESPONSE: The department disagrees with this comment and has not revised the rule as requested.

COMMENT: One commenter suggested that (6)(F) be removed because there are no current studies suggesting best practices in the Access Crisis Intervention (ACI) system.

RESPONSE: The department disagrees with this comment and has not revised the rule as requested.

COMMENT: In subsection (7)(E), the commenter suggested changing the wording to reflect that more than one agency staff person could be on call.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this comment and has changed the rule accordingly.

COMMENT: Commenting on subsection (7)(E), one commenter indicated that if an administrative agent operates its own ACI system, they should be exempt from this standard and only held responsible for the system to contact specialized program employees.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this comment and has changed the rule accordingly.

COMMENT: One commenter recommended deleting subsection (7)(F).

RESPONSE: The department disagrees with this comment and has not revised the rule as requested.

COMMENT: Another commenter indicated that (7)(F) the word "region" should be removed regarding the training plan.

RESPONSE AND EXPLANATION OF CHANGE: The department disagrees with this comment but has changed the rule for the purpose of clarification.

COMMENT: Commenting on subsection (7)(G), one person stated that the same training curriculum should not be required annually if master's level staff demonstrate ongoing competence.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this comment and has changed the rule by removing the phrase "at least annually."

COMMENT: Another comment was received on subsection (7)(G) indicating that the intent was not to provide the same training annually but to tie the training to the thirty-six (36) hours of training required by the core rules.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this comment and has changed the rule by removing the phrase "at least annually."

COMMENT: In subsection (7)(K), one commenter suggested that it be revised to state that each agency will review competencies of ACI staff regarding items 1 through 4.

RESPONSE: The department disagrees with this comment and has not revised the rule as requested.

COMMENT: Regarding subsection (7)(L), one commenter indicated that some agencies are so small, it would be difficult for staff to shadow experienced staff as it would take months to meet this goal.

RESPONSE: The department disagrees with this comment and has not revised the rule as requested.

9 CSR 30-4.195 Access Crisis Intervention Programs

(4) Consumer Records.

(B) At a minimum, those programs funded for ACI must keep the following records for telephone hotline services when possible to obtain from caller:

1. Date and time of telephone call;
2. Identity of caller, including but not limited to, parent, client, law enforcement, judge, hospital, emergency room, mental health professional;
3. Name, address, telephone number, and date of birth;
4. Presenting problem;
5. Disposition and follow-up.

(5) Treatment.

(C) ACI programs must operate or arrange for a twenty-four (24)-hour telephone hotline. Each program shall have a written description of the telephone hotline system including the following:

1. Name of the agency or contractor that operates the hotline;
2. Numbers and qualifications of hotline staff;
3. Written documentation that clinical supervision is provided including but not limited to: meeting minutes, supervision logs, or peer review processes;
4. Written description of how the telephone hotline is staffed;
5. Written documentation of case reviews and quality assurance activities relating to hotline services;

6. Written documentation of how telephone hotline services are provided to hard-of-hearing, deaf and persons who have a limited understanding of the English language;

7. Written description of ongoing hotline outreach activities;

8. Written description of a process for identifying and utilizing community resources in the delivery of telephone hotline services.

(D) Each administrative agent must have designated agency staff on call to the ACI system twenty-four (24) hours per day and seven (7) days per week.

(O) When a call is referred to mobile response, a phone only response is appropriate if the clinical needs of the person who is in crisis can be addressed over the phone and/or the crisis has been deescalated.

(P) Each agency providing ACI services must have safety mechanisms in place for mobile response. These may include but are not limited to:

1. Mobile phones;
2. Risk assessments both for phone and continually during contact;
3. Availability of multiple staff to respond for face-to-face contact;
4. Back-up available by pager;
5. Written protocols for mobile response to be delivered in safe locations when necessary.

(7) Personnel and Staff Development.

(E) For administrative agents that subcontract for hotline services this standard applies. Administrative agents shall have designated staff on call to the ACI system twenty-four (24) hours per day seven (7) days per week for specialized programs. This designated staff person shall have received training and have experience in responding to crisis situations with individuals and families.

(F) Each region and/or provider must have an ACI Training Plan. The training plan shall include consumers, families and consumer advocates in the development and implementation of the plan.

(G) Staff providing ACI services shall complete the designated ACI training required by the department, that includes but is not limited to the following core competencies as defined by the department:

1. Crisis intervention strategies and techniques;
2. ACI and legal issues;
3. Safety;
4. ACI responsiveness to consumers;
5. Other competencies as required by the department.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-5.170 Control of Odors From Processing of Animal Matter is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2002 (27 MoReg 1462). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this amendment.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.060 Construction Permits Required is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1704-1707). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this amendment.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.065 Operating Permits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2002 (27 MoReg 1462-1471). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program receive one comment from the U.S. Environmental Protection Agency (EPA).

COMMENT: The EPA commented that they support the amendments to 10 CSR 10-6.065 and that they appreciate the department's prompt attention to these issues.

RESPONSE: The department's Air Pollution Control Program welcomes the support of EPA and agrees that these changes address the three (3) issues identified in the Notice of Deficiency published March 25, 2002.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.120 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1707-1708). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received three (3) comments from two (2) sources, the U.S. Environmental Protection Agency (EPA) and the Doe Run Company.

COMMENT: The EPA provided comment that the heading for subsection (2)(C) should match the smelter name used in the lead plan.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees with the comment. The subsection heading has been changed to Doe Run Resource Recycling Division.

COMMENT: The EPA provided comment that the amendment to the daily throughput limits appear to be related to the annual furnace production limits in the facility's prevention of significant deterioration (PSD) permit. If this rule action is adopted, the EPA will evaluate it in conjunction with whatever permit limits exist at the time of their approvability determination.

RESPONSE: The department's Air Pollution Control Program is reviewing a PSD permit application for the Doe Run Resource Recycling Division. That application includes increasing the total output from the installation. The amended daily throughput limits in 10 CSR 10-6.120 are intended to provide the Doe Run Resource Recycling Division with enough short term operating flexibility as to follow market trends. Since the total throughput does not increase, production is not expected to increase as a result of this rulemaking. The rule text has not been changed as a result of the comment.

COMMENT: The Doe Run Company commented that the revised furnace throughput limits presented at the public hearing did not match the amended limits in 10 CSR 10-6.120.

RESPONSE: The department's Air Pollution Control Program agrees with the comment. The amendment as published in the September 16, 2002, *Missouri Register* was correct. The testimony presented for public hearing had two (2) values transposed. The rule text has not been changed as a result of the comment.

10 CSR 10-6.120 Restriction of Emissions of Lead From Specific Lead Smelter-Refinery Installations

(2) Provisions Pertaining to Limitations of Lead Emissions from Specific Installations.

(C) Doe Run Resource Recycling Division. The following applies to Doe Run's 1998 and ongoing lead producing operations at this installation.

1. Lead emissions from stacks. This installation shall limit lead emissions into the atmosphere to the allowable amount as shown in Table III.

Table III

Stack Name	Emissions Limitation (lbs per 24 hours)
Main Stack	540.0

2. Fugitive lead emissions from lead production processes. This installation shall limit production from processes that emit lead to the ambient air to the allowable amount as shown in Table IV.

Table IV

Process Name	Throughput (tons per day)
Blast Furnace	786 Charge
Reverb Furnace	500 Charge
Rotary Melt	300 Charge
Refinery	648 Lead Cast

3. Record keeping. The operator shall keep records of daily process throughput corresponding with the processes in Table IV in paragraph (2)(C)2. of this rule. These records shall be maintained on-site for at least three (3) years and made available upon the request of the director.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 10—Air Conservation Commission Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission adopts a rule as follows:

10 CSR 10-6.410 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1708-1716). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received a total of sixteen (16) comments from Ameren Services, Associated Industries of Missouri (AIM), Boeing, the Regulatory Environmental Group for Missouri (REGFORM), the St. Louis Regional Chamber and Growth Association (RCGA) and the U.S. Environmental Protection Agency (EPA).

COMMENT: AIM, REGFORM and RCGA commented that they are in support of this rule.

RESPONSE: The department's Air Pollution Control Program appreciates the support for this rulemaking. No changes were made as a result of this comment.

COMMENT: AIM, REGFORM and RCGA commented that the proposed language in subparagraph (3)(A)10.A. does not allow emission reduction credits (ERCs) to be generated for retirement of pollution-emitting equipment or replacement of such equipment with non-polluting equipment when no construction permit is required for the replacement unit.

RESPONSE: Subparagraph (3)(A)10.A. does not limit the type of reductions that can be used to generate ERCs. The purpose of this subparagraph is to limit the time frame in which an installation can take credit for retirement and replacement of emission units. In cases where no construction permit is required, such as the example given in the comment, a modification to the operating permit could be used to satisfy requirements of this rule. No changes were made as a result of this comment.

COMMENT: AIM, REGFORM and RCGA commented that the proposed language in subparagraph (3)(A)10.B. only allows ERCs to be generated for installation shutdowns if the installation to be shut down is located in a nonattainment area. Once the St. Louis area is redesignated to attainment of the one-hour ozone standard, this provision will no longer be available to sources in the area. As the proposed maintenance plan for the St. Louis area maintains offsets as part of New Source Review (NSR) permitting requirements, an owner/operator of an installation should continue to be allowed to generate ERCs.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees that if offsets continue to be a part of NSR permitting requirements, generation of ERCs should be allowed. Subparagraph (3)(A)10.B. has been revised to allow generation of ERCs from installation shutdowns in any area where the state implementation plan requires offsets.

COMMENT: AIM, REGFORM and RCGA commented that the use of the word — current — in subparagraph (3)(B)4.D. could be confusing in the future.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees that the meaning of subparagraph (3)(B)4.D. could be confusing. The proposed language in subparagraph (3)(B)4.D. essentially stated that only credits banked before or after August 28, 2001 can be traded. Since this statement does not prevent trading of any credits, this subparagraph has been deleted.

COMMENT: Ameren Services, AIM, REGFORM and RCGA commented that proposed language in subparagraph (3)(D)1.B. only allows sources in nonattainment areas to bank ERCs. Once the St. Louis area is redesignated to attainment of the one-hour ozone standard, this provision will no longer be available to sources in the area. As the proposed maintenance plan for the St. Louis area maintains offsets as part of NSR permitting requirements, an owner/operator of an existing installation should continue to qualify for banking of ERCs.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees that if offsets continue to be a part of NSR permitting requirements, banking of ERCs should be allowed. Subparagraph (3)(D)1.B. has been revised to allow banking of ERCs generated in any area where the state implementation plan requires offsets.

COMMENT: Ameren Services commented that because sources in approved attainment or maintenance demonstration or New Source Review preconstruction permit modeling domains are eligible to generate ERCs, they should be included among the sources in paragraph (3)(D)1. that are eligible to bank ERCs.

RESPONSE: Credits generated in modeling domains are to be used only for demonstrating no negative air quality impact in air quality impact modeling. The banking provisions of subsection (3)(D) are available only for reductions that are to be used for offsets. Therefore, no changes were made as a result of this comment.

COMMENT: Ameren Services, AIM, Boeing, REGFORM and RCGA commented that the requirement to have the signature and seal of a Missouri professional engineer on every Notice and Certification of Generation, Notice of Intent to Use and Notice of Withdrawal seems overly burdensome and does not protect the validity of ERCs. AIM, Boeing, REGFORM and RCGA further commented that a company's own engineers, whether they are professional engineers or not, are more familiar with the company's emission units than an outside professional engineer.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees with this comment. The Missouri Air Conservation Law already provides the authority to penalize those who knowingly submit false information in any

form, notice or certification. This is sufficient incentive for those who prepare notices for the banking and trading program to ensure that the notices are complete and accurate. Therefore, paragraphs (4)(B)11., (4)(C)11., and (4)(D)7. have been revised.

COMMENT: Ameren Services commented that paragraph (3)(A)4. seems to make air quality modeling a condition of every trade. Ameren goes on to suggest that the first sentence of paragraph (3)(A)4. be deleted.

RESPONSE AND EXPLANATION OF CHANGE: It is not the intent of the rule to require air quality modeling for every trade; therefore, the first sentence of paragraph (3)(A)4. has been deleted.

COMMENT: Ameren Services commented that the second sentence of paragraph (3)(A)5. appears out of place.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees. The second sentence of paragraph (3)(A)5. has been moved to new paragraph (3)(A)13.

COMMENT: EPA commented that the applicability section of this rule implies that it is available for a number of purposes that are explicitly disallowed by subsequent portions of the rule. EPA further commented that the rule should state that ERCs are only available for offsets and for prevention of significant deterioration (PSD) sources that need emission decreases from existing sources in their area of impact to mitigate air quality impacts from new sources and modifications.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees that in order to prevent confusion allowed uses of ERCs should be explicitly stated. The words—or use—have been removed from subsection (1)(A). This subsection now only describes the sources that may generate ERCs. Subsection (1)(C), which is a list of allowed ERC uses, has been added to the rule.

COMMENT: EPA commented that the rule should clarify that it does not supersede any of the requirements of underlying NSR rules.

RESPONSE: The department's Air Pollution Control Program believes that the rule—specifically paragraphs (3)(B)5. and (3)(B)8.—sufficiently states that it does not supersede NSR requirements. No changes were made as a result of this comment.

COMMENT: EPA commented that subparagraph (1)(A)3.B. should refer to an area that is a maintenance area for a criteria pollutant, as maintenance areas are not designated.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees with this comment. To respond to this comment as well as comments requesting that generation of ERCs be allowed in attainment and nonattainment areas, subparagraph (1)(A)3.B. has been changed to reflect that ERCs may be generated by sources in maintenance areas in which emissions offsets are required for new sources or modifications by the state implementation plan.

COMMENT: Ameren Services and EPA commented that subparagraph (1)(A)3.C. is inconsistent with the definition of modeling domain in subsection (2)(L). The definition refers to the area modeled for an attainment or maintenance demonstration, while subparagraph (1)(A)3.C. refers to a preconstruction permit modeling domain, which is not the same thing.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees that there are inconsistencies between the definition of the term modeling domain and its use in subparagraph (1)(A)3.C. The definition of modeling domain has been widened to make the meaning of subparagraph (1)(A)3.C. clear.

COMMENT: EPA commented that subparagraphs (3)(B)6.A. and (3)(B)6.B. are somewhat contradictory. Subparagraph (3)(B)6.B.

states that ERCs may be used within the same modeling domain in which they were generated, whereas subparagraph (3)(B)6.A. states that ERCs may be used only within the same nonattainment or maintenance area in which they were generated.

RESPONSE AND EXPLANATION OF CHANGE: Since a modeling domain could potentially include portions of both nonattainment and maintenance areas, these portions of the rule are in conflict. In order to protect air quality in nonattainment areas, subparagraph (3)(B)6.B. has been amended to make ERC use within a modeling domain subject to the limitations of subparagraph (3)(B)6.A.

COMMENT: EPA commented that the proposed rule makes no mention of the attainment status of an area when deciding whether reductions from shutdowns may be banked. EPA suggested that in the event an area is redesignated nonattainment and does not have an approved attainment plan, the state should incorporate the concepts in 40 CFR 51.165(a)(3)(ii)(C) into this rule.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees that this rule does not address shutdowns in nonattainment areas lacking an attainment plan. As a result, subparagraph (3)(A)10.C., which incorporates 40 CFR 51.165(a)(3)(ii)(C) by reference, was added.

COMMENT: EPA commented that the rule is not clear on how ERCs can be used to demonstrate compliance with alternate emission limits (AELs).

RESPONSE AND EXPLANATION OF CHANGE: Alternate emission limits are a tool that sources in ozone nonattainment areas can use to meet required volatile organic compound reductions. Rules that establish these required reductions are reasonably available control technology (RACT) rules. Subparagraph (3)(B)5.D. states that ERCs may not be used to meet RACT requirements; therefore, ERCs may not be used to demonstrate compliance with AELs. Language referring to the use of ERCs to establish AELs has been deleted from paragraph (3)(D)3.

10 CSR 10-6.410 Emissions Banking and Trading

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) Applicability.

(A) The generation of emission reduction credits (ERCs) in conjunction with this rule is available to installations that meet the following requirements:

1. Emit more than ten (10) tons per year for a criteria pollutant or its precursors as reported on their Emissions Inventory Questionnaire;

2. Have an operating permit as specified in 10 CSR 10-6.065 Operating Permits; and

3. Are located within any of the following areas:

A. An area that has been designated as a nonattainment area for a criteria pollutant;

B. A maintenance area for a criteria pollutant in which emissions offsets are required for new sources or modifications by the state implementation plan (SIP); or

C. A United States Environmental Protection Agency (U.S. EPA) approved attainment or maintenance demonstration or New Source Review preconstruction permit modeling domain, unless it is a violation of federal law.

(C) The use of ERCs in conjunction with this rule is limited to the following:

1. Emissions offsets to satisfy New Source Review (NSR) permitting requirements; or

2. For sources needing emission decreases from existing sources in their area of impact to mitigate air quality impacts from new sources or modifications under prevention of significant deterioration (PSD) requirements.

(2) Definitions.

(L) Modeling domain—A geographic area covered by an air quality model.

(3) General Provisions.

(A) General Rules for Generation and Use.

1. To become an account holder, a person must complete an account application, as specified in subsection (4)(A) of this rule, and be assigned a unique account identification number by the Missouri Department of Natural Resources' Air Pollution Control Program.

2. Each account holder must designate an authorized account representative and an alternate authorized account representative on the account application.

3. Except as provided under paragraph (3)(B)2. of this rule, any source may generate an ERC by reducing emissions, in the amount determined under paragraph (3)(B)1. ERC generators must ensure that ERCs are real, properly quantified, permanent and surplus.

4. There shall be no resulting adverse impact on air quality.

5. The director of the Missouri Department of Natural Resources' Air Pollution Control Program may not approve use of offsets where that use would interfere with the nonattainment control strategy contained in the Missouri State Implementation Plan.

6. Governmental approvals. No ERC can be transferred without prior notification of intent to transfer to the director of the Missouri Department of Natural Resources' Air Pollution Control Program. No ERC can be retired without prior notification of intent to use. ERCs that are used for NSR offsets shall have prior director approval.

7. Market participation. Any account holder may transfer, buy, sell, trade, or otherwise convey ERCs to another account holder in any manner in accordance with this rule.

8. Limited authorization to emit. An ERC created under this rule is a limited authorization to emit a criteria pollutant or its precursor in accordance with the provisions of this rule. An ERC does not constitute a property right. Nothing in this rule shall be construed to limit the authority of the Missouri Air Conservation Commission to terminate or limit such authorization.

9. Serial numbers. Each ERC will be assigned a unique identification number.

10. Shutdowns.

A. ERCs may be generated when a unit is shutdown or retired if the new replacement equipment is directly replacing the retired unit and the permit is applied for within one (1) year of the shutdown or retirement of the existing unit.

B. ERCs may be generated for entire installation shutdowns if the installation is located in an area where offsets are required by the state implementation plan and if the installation is defined as a major source for the pollutant or a precursor of the pollutant for which the area is classified. These ERCs shall be reduced by twenty-five percent (25%) and rounded to the nearest ton at the time of deposit into the generator's account.

C. In nonattainment areas lacking an approved attainment plan, banking of ERCs from shutdowns is subject to the provisions of 40 CFR 51.165(a)(3)(ii)(C), which is incorporated by reference.

11. Environmental contribution.

A. On December 31 of each year, the banked ERCs that were deposited in previous calendar years shall be reduced by three percent (3%).

B. The department shall deduct three percent (3%) of these ERCs from each account holders' banked ERCs. The remaining account balances shall be rounded down to the nearest ERC.

C. If the account holder wishes for specific serial numbered ERCs to be deducted for environmental contribution, a letter specifying the serial numbers must be received by the director of the Missouri Department of Natural Resources' Air Pollution Control Program by December 1 of each year.

D. On December 31 of each year, ERCs that have been reserved by an approved Notice of Intent to Use shall not be subject to the three percent (3%) environmental contribution.

E. In the event that ERCs are not taxed on December 31 due to being reserved and the ERCs are subsequently reinstated, a three percent (3%) environmental contribution shall be deducted at that time for each year that the ERCs were reserved and would have been subject to the environmental contribution.

12. ERCs shall be used on a first-in, first-out basis, unless specific serial numbers are included in the Notice of Intent to Use, Notice of Withdrawal, Notice of Intent to Transfer or at the time of environmental contribution as specified in subparagraph (3)(A)11.C. of this rule. If serial numbers are not specified, the oldest ERCs in an account shall be reserved and/or retired first.

13. The trading or use of ERCs in a modeling domain may be based on modeling performed on a concentration basis.

(B) ERC Generation.

1. Computation of ERCs.

A. The number of ERCs shall be the difference between—

(I) The amount of actual emissions that would have been emitted during the generation period based on actual activity levels during that period and normal source operation; and

(II) The amount of actual emissions during the generation period based on actual activity levels during that period.

B. Protocols. The amount of ERCs must be calculated using quantification protocols that meet the requirements of paragraph (3)(B)7. of this rule.

2. Limitations on generation. An ERC shall not be created by emissions reductions of activities or source categories identified in this subsection:

A. Permanent shutdowns or curtailments, unless it meets the requirements of paragraph (3)(A)10. of this rule;

B. Modification or discontinuation of any activity that is otherwise in violation of any federal, state or local requirements;

C. Emission reductions required to comply with any state, federal or local action including but not limited to:

(I) State, federal, or local consent agreements;

(II) Any provision of a state implementation plan; or

(III) Requirements for attainment of a National Ambient Air Quality Standard;

D. Emission reductions of hazardous air pollutants from application of a standard promulgated under section 112 of the Clean Air Act;

E. Reductions credited or used under any other emissions trading program;

F. Emission reductions occurring at a source which received an alternate emission limit to meet a state reasonably available control technology (RACT) requirement, except to the extent that the emissions are reduced below the level that would have been required had the alternate emission limit not been issued; or

G. Emission reductions previously used in determining net emission increases or used to create alternate emission limits.

3. Notice and Certification of Generation.

A. The owner or operator of a generator source shall provide a Notice and Certification of Generation to the Missouri Department of Natural Resources no later than ninety (90) days after the ERC generation activity was completed.

B. Required information. The Notice and Certification of Generation shall include the information specified in subsection (4)(B) of this rule.

C. The department shall review the Notice of Generation and notify the authorized account representative of approval or denial of the Notice of Generation within thirty (30) days of receipt of the notice.

D. The Notice and Certification of Generation shall be accompanied by an operating permit modification application.

E. Certification under penalty of law. Any Notice and Certification of Generation submitted pursuant to this subsection shall contain certification under penalty of law by a responsible official of the generator source of truth, accuracy and completeness. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

4. ERC use.

A. Time of acquisition. ERCs may not be used until they are acquired by the user source.

B. Sufficiency. The user source must hold sufficient ERCs to cover its offset obligation.

C. Offset calculation. The amount of ERCs needed to offset emissions shall be the anticipated actual emissions multiplied by the offset ratio.

D. Notice of Intent to Use ERCs.

(I) ERCs may be used only if the authorized account representative of the user source submits to the staff director of the Missouri Department of Natural Resources' Air Pollution Control Program a Notice of Intent to Use.

(II) Required information. The Notice of Intent to Use ERCs shall include the information specified in subsection (4)(C) of this rule.

(III) The department shall review the Notice of Intent to Use and notify the facility of approval or denial within thirty (30) days of receipt of the notice.

(IV) The Missouri Department of Natural Resources' Air Pollution Control Program shall reserve the specified ERCs when the permit application is deemed complete by the Initial Review Unit.

(V) Upon issuance of the construction permit, the appropriate number of reserved ERCs shall be permanently retired.

E. Notice of Withdrawal.

(I) An account holder may at any time withdraw ERCs from the program.

(II) Required information. The Notice of Withdrawal shall include the information specified in subsection (4)(D) of this rule.

(III) The department shall review the Notice of Withdrawal and notify the facility of approval or denial within thirty (30) days. Upon approval, the specified ERCs shall be removed from the facility's account.

F. Notice of Transfer.

(I) Account holders seeking an account transfer must submit a Notice of Transfer.

(II) Required information. The Notice of Transfer shall include the information specified in subsection (4)(E) of this rule.

(III) The department shall review the Notice of Transfer and notify the facilities of approval or denial within thirty (30) days. Upon approval, the specified ERCs shall be transferred to the specified account.

5. Use limitations. ERCs may not be used—

A. Before acquisition by the user of the ERCs;

B. For netting or to avoid the applicability of NSR requirements;

C. For NSR offsets unless the requirements of paragraph (3)(B)8. of this rule are met;

D. To meet Clean Air Act requirements for new source performance standards (NSPS) under section 111; lowest achievable emission rate (LAER) standards; best available control technology (BACT) standards; hazardous air pollutant (HAP) standards under section 112; reasonably available control technology (RACT);

E. To meet the requirements for one class of criteria pollutants or precursor by using ERCs generated in a different class of

pollutants or precursors (e.g., NO_x reductions may not be exchanged for volatile organic compound (VOC) increases, or vice-versa); or

F. To meet requirements contained in Title IV of the Federal Clean Air Act.

6. Geographic scope of trading.

A. ERCs may be used in a nonattainment or maintenance area only if generated in the same nonattainment or maintenance area.

B. ERCs generated inside a modeling domain may be used in the same modeling domain. Trading of ERCs within a modeling domain is subject to the limitations of subparagraph (3)(B)6.A. of this rule.

C. Interstate trading. (*Reserved*)

7. Protocol development and approval. To quantify the amount of ERCs generated and the amount needed for compliance, all sources shall use the following hierarchy as a guide to determine the most desirable emission data to report to the department. If data is not available for an emission estimation method or an emission estimation method is impractical for a source, then the subsequent emission estimation method shall be used in its place:

A. Continuous Emission Monitoring System (CEMS) as specified in 10 CSR 10-6.110;

B. Stack tests as specified in 10 CSR 10-6.110;

C. Material/mass balance;

D. AP-42 (Environmental Protection Agency (EPA) Compilation of Air Pollution Emission Factors) or FIRE (Factor Information and Retrieval System);

E. Other U.S. EPA documents as specified in 10 CSR 10-6.110;

F. Sound engineering calculations;

G. Facilities shall obtain department approval of emission estimation methods other than those listed in subparagraphs (3)(B)7.A.-F. of this rule before using any such method to estimate emissions in the submission of data.

8. ERC use for NSR. All ERCs used to meet NSR offset requirements shall comply with the requirements of state rule 10 CSR 10-6.060 Construction Permits Required.

9. Compliance burden.

A. The ERC user source is responsible for assuring that the generation and use of ERCs comply with this rule.

B. The ERC user source (not the enforcing authority) bears the burden of proving that ERCs used are valid and sufficient and that the ERC use meets all applicable requirements of this rule. The ERC user source is responsible for compliance with its underlying obligations. In the event of enforcement against the user source for non-compliance, it shall not be a defense for the purpose of determining civil liability that the user source relied in good faith upon the generator source's representations.

C. In the event of an invalid ERC, the generator source shall receive a Notice of Violation and the ERC user must find additional ERCs to comply with offset requirements.

10. Sources that emit less than ten (10) tons per year. (*Reserved*)

(D) Banking. Banking credit for emission reductions to use as offsets, at some future time, shall be allowed under the following circumstances:

1. The person requesting banking is the owner or operator of:

A. A new or modified installation who obtains a permit by applying offsets which exceed the requirements of 10 CSR 10-6.060; or

B. An existing installation in an area where offsets are required by the state implementation plan and that voluntarily reduces emissions of the pollutant or a precursor of the pollutant for which the area is classified after the base year used in the state implementation plan;

2. For source operations in the nonattainment areas for which reasonably available control technology (RACT) would be required, but as yet has not been defined, actual emission levels shall be reduced to represent post-RACT levels. The control technology assumed for these calculations shall be mutually agreed upon by the

applicant and the director of the Missouri Department of Natural Resources' Air Pollution Control Program. Only emission reductions beyond the post-RACT emissions levels will be creditable;

3. Credit for emission reductions beyond those that were required by RACT or paragraph (3)(D)2. of this rule at a shutdown installation and that are in excess of those needed to offset a replacement installation can be banked;

4. It shall be a violation of this rule for any person to operate a source operation from which banked credit for emission reductions was obtained so as to emit the pollutant at levels greater than identified in the offset calculation referred to in subparagraph (3)(B)4.C. of this rule, unless the person who banked credit for the reductions, or their transferee, first files a notice with the director of the Missouri Department of Natural Resources' Air Pollution Control Program stating that credit for the reductions or a part of the credit is being withdrawn from the bank, and credit has not previously been withdrawn; and

5. The amount of banked emission reduction credits shall be discounted without compensation to the holder in the applicable source category when new rules requiring emission reductions are adopted by the commission. The amount of discounting of banked emission reduction credits shall be calculated on the same basis as the reductions required for existing sources which are subject to the new rule. A portion of banked credits, equivalent to the anticipated required reductions may be temporarily frozen by the director of the Missouri Department of Natural Resources' Air Pollution Control Program in anticipation of a new rule being adopted by the commission. This paragraph, however, shall not apply to emission reductions, discounted at the time of banking in accordance with paragraph (3)(D)2. of this rule, unless the new rule provides for the replacement of RACT with BACT or another more stringent level of control.

(4) Reporting and Record Keeping.

(B) The Notice and Certification of Generation shall include the following information, submitted on a form supplied by the Missouri Department of Natural Resources:

1. Account identification number;

2. Date generating activity was completed;

3. A brief description of the generation activity;

4. The amount of ERCs generated;

5. Affected emission units;

6. The protocols that were used to calculate and document the ERCs;

7. Information on all the generator source's applicable emission rates;

8. A statement that the reductions were calculated in accordance with paragraph (3)(B)1. of this rule;

9. A statement that the ERCs were not generated in whole or in part from actions prohibited pursuant to paragraph (3)(B)2. of this rule;

10. For each source subject to reporting toxic chemical releases for the Community Right-to-Know provisions under 40 CFR part 372, the estimated amount of hazardous air pollutants, as defined below, emitted to the air as the result of the generation of the ERC.

A. A pollutant shall be reported under this paragraph, only if it is listed both in 40 CFR 372.65 and section 112(b) of the Clean Air Act, and a chemical which the source is reporting or expects to report under 40 CFR part 372 for the calendar year in which the ERC was generated.

B. The requirements in 40 CFR 373.30(b) shall be followed for the notice.

C. The exemptions listed in 40 CFR 372.38 for determining the amount of release to be reported under 40 CFR 372.30 shall also be exemptions for determining the amount emitted under this subsection.

D. The notice shall include:

(I) The name and Chemical Abstracts Service (CAS) number (if applicable) of the chemical reported;

(II) If the chemical identity is claimed trade secret under 40 CFR 372, a generic name for the chemical as reported under 40 CFR 372.85(b)(11);

(III) A mixture component identity if the chemical identity is not known; and

(IV) An estimate of total air emissions, in pounds, for the relevant time period of ERC generation. Releases of less than one thousand (1,000) pounds may be indicated in ranges.

11. Signature of authorized account representative and the signature of an official responsible for the truth, accuracy and completeness of the notice.

(C) The Notice of Intent to Use ERCs shall include the following information submitted on a form supplied by the Missouri Department of Natural Resources:

1. The name of the facility;
2. The emissions unit and the applicable pollutant;
3. Account identification number;
4. The date(s) on which the ERCs were acquired;
5. The amount of ERCs used and the associated serial numbers;
6. The applicable state and federal requirements that the ERCs were used to comply with;
7. The emissions quantification protocols that were used to calculate the amount of ERCs required to demonstrate compliance and documentation for the compliance calculation under paragraph (3)(B)7. of this rule;

8. A statement that due diligence was made to verify that the ERCs were not previously used and not generated as a result of actions prohibited under this regulation or other provisions of law;

9. A statement that the ERCs were not used in a manner prohibited under this regulation or other provisions of law;

10. For each source subject to reporting toxic chemical releases for the Community Right-to-Know provisions under 40 CFR part 372, the estimated amount of hazardous air pollutants emitted to the air as the result of the use of the ERC to meet otherwise applicable requirements. The estimated amount shall include emissions increases and any emission reductions used for ERCs instead of non-ERC compliance with otherwise applicable requirements. The same procedures shall be followed as the similar requirement under the Notice and Certification of Generation; and

11. Signature of authorized account representative and the signature of an official responsible for the truth, accuracy and completeness of the notice.

(D) The Notice of Withdrawal shall include the following information submitted on a form supplied by the Missouri Department of Natural Resources:

1. The name of the facility;
2. The emissions unit and the applicable pollutant;
3. Account identification number;
4. The serial numbers of the ERCs to be withdrawn;
5. The reason for the withdrawal;
6. A copy of the Notice and Certification of Generation submitted by the generator source to the state; and
7. Signature of authorized account representative and the signature of an official responsible for the truth, accuracy and completeness of the notice.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 13—Peace Officer Licenses**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.030.2 and 590.030.4, RSMo Supp. 2001, the director amends a rule as follows:

11 CSR 75-13.020 Procedure to Obtain New Peace Officer License is amended.

A notice of proposed rulemaking containing text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2202). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 14—Basic Training Centers**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under section 590.060.1, RSMo Supp. 2001, the director amends a rule as follows:

11 CSR 75-14.080 Minimum Requirements for a Basic Training Instructor is amended.

A notice of proposed rulemaking containing text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2202-2203). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 15—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under section 590.050.2, RSMo Supp. 2001, the director amends a rule as follows:

11 CSR 75-15.030 Procedure to Obtain a Continuing Education Provider License is amended.

A notice of proposed rulemaking containing text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2203). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.124 Coins and Bullion is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2002 (27 MoReg 2063–2064). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director amends a rule as follows:

**12 CSR 10-110.950 Letters of Exemption Issued by the
Department of Revenue is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2002 (27 MoReg 2064–2065). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.153, 208.159 and 208.201, RSMo 2000, the director amends a rule as follows:

13 CSR 70-10.150 Enhancement Pools is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2002 (27 MoReg 2069–2071). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 10—Office of the Director
Chapter 5—Procedures for the Collection and
Submission of Data to Monitor Health Maintenance
Organizations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 192.068, RSMo 2000, the department amends a rule as follows:

19 CSR 10-5.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1976–1988). There are changes in the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received from Blue Cross Blue Shield of Missouri (BCBS-MO) and from Missouri Department of Health and Senior Services, Chronic Disease Control.

COMMENT: Comments were received from BCBS-MO (dba BlueChoice) that the retirement of Beta Blocker Treatment after Heart Attack will have little impact on NCQA accredited managed care plans. This measure is one of ten HEDIS measures required by NCQA to obtain and maintain an “Excellent” accreditation level.

RESPONSE: The Beta Blocker Treatment After Heart Attack (BBTAHA) is not being retired; rather it is part of the rotation schedule stipulated by NCQA. The deletion of BBTAHA from the DHSS rule does not affect the accreditation standards sought by the managed care organizations. If the MCO’s choose not to submit BBTAHA to NCQA, their accreditation will not be affected.

COMMENT: Comments were received from BCBS-MO (dba BlueChoice) stating that the proposed addition of Controlling High Blood Pressure (CHBP) indicator would have a negative impact on their budget, both financial and human resources for HEDIS 2003. This measure can only be calculated using hybrid methodology, requiring an additional 452 chart audits (411 sample plus 10% over-sample) at an estimated cost of five thousand dollars (\$5,000) for chart audits plus additional funding for IT programming and for administrative coordination and oversight. CHBP is not required for NCQA accreditation and will need to be calculated solely to meet DHSS reporting requirements. BCBS-MO is asking that the DHSS not add this measure to its 2003 filing requirements.

RESPONSE: Controlling High Blood Pressure is a rotated HEDIS measure, however it is not required for NCQA accreditation. However, most commercial MCO plans in the state are not accredited by NCQA and, as such, are not required to report any HEDIS measures, except by DHSS mandate.

The DHSS agrees that an additional cost could be incurred to the MCO by mandating it for the state filing because the measure requires use of the more expensive hybrid process. However, this is not the first time CHBP has appeared in the rule. Previously, in the 2001 filing cycle, the state average for CHBP was forty-five percent (45%) with MCO results ranging from nineteen percent to sixty-two percent (19%–62%). BlueChoice received a rating of High at fifty-six percent (56%). At that time, BCBS-MO did not challenge the requirement for CHBP measurements.

The DHSS believes that controlling high blood pressure is a major public health concern with respect to preventing many other diseases such as congestive heart failure, diabetes, coronary arterial risk development, hypertension, etc. The nature of managed care makes it uniquely positioned to institute programs to prevent hypertension. As seen from the above percentages, there is room for considerable improvement in controlling high blood pressure of plan members by even the best of the managed care plans in the state. Unless the DHSS requires reporting of these percentages, it is not clear that the typical managed care plan in the state will continue to work with its network physicians to improve anti-hypertension programs.

COMMENT: Comments were received from DHSS (Chronic Disease Control) proposed the inclusion of a question in Table D (Access to Care). The question is “Do the managed care organizations promote the use of NAEPP asthma practice guidelines among providers?”

The National Heart, Lung and Blood Institute have established clinical practice guidelines for the treatment of asthma through the National Asthma Education Prevention Program (NAEPP). The

guidelines provide state-of-the-art clinical practice guidelines for diagnosing and managing asthma and incorporate the most recent scientific information available on the care of patients with asthma. The guidelines provide information on treating asthma at all severity levels and stresses both clinical and self-management strategies.

RESPONSE AND EXPLANATION OF CHANGE: The DHSS concurs with this recommendation. Asthma is a major health care concern and managed care organizations should promote the use of established guidelines with their providers. The proposed question goes directly to the area of service by the MCO's. The question to be added to Table D II-Question 2C is: "Do managed care organizations promote the use of the National Asthma Education Prevention Program (NAEPP) among providers?"

COMMENT: Comments were received from BCBS-MO that the risk factors for asthma, breast, cervical, ovarian and colorectal cancer, diabetes, HIV, sickle cell disorders and lead poisoning are not identifiable through administrative data. For example, risk factors associated with developing asthma include cigarette smoking and a positive family history, neither of which can be captured from administrative data analysis.

Screening patients for risk factors is the responsibility of the Primary Care Physician (PCP). The role of the Managed Care Plan in this process is to promote appropriate screening activity through the dissemination of clinical guidelines and to develop a benefit structure to support use of screening tests.

RESPONSE AND EXPLANATION OF CHANGE: The DHSS agrees with the comments expressed by BCBS-MO. All health measures (Table D II-Question 1) with the exception of Breast Cancer, Cervical Cancer and Other will be shown as Not Applicable (NA) for both Screening Mechanisms and Education for Persons-at-risk. The DHSS is in the process of developing an access to care question for the future that better identifies how MCOs are working with their network physicians to screen for these conditions.

19 CSR 10-5.010 Monitoring Health Maintenance Organizations Definitions

Table D

Managed Health Care Services

File Specifications

Responses to the survey items in Table D must be submitted electronically, in a data file format specified by the Department.

Table D must be completed for each managed care product line (Commercial, Medicaid, or Medicare) offered by each licensed health care plan. Responses should be based on activity or status during the reporting period, within each product line (payer). Survey questions in Table D shall apply, except where otherwise noted, only to fully insured (ERISA exempt) enrollments.

Table D
Managed Health Care Services
Reporting Period: CY 2002

I. HEALTH PLAN INFORMATION

Instructions: Submit one set of Table D information, Parts I and II, for each product line (i.e. type of payor) offered by your organization.

1.) Product Line (CHECK ONE): ☐ Commercial ☐ Medicare ☐ Medicaid

2.) Missouri Department of Insurance Licensed Plan Name:

_____ DbA (if applicable): _____

3.) Extended NAIC Identification Number (7-digit): _____

4.) Name as marketed to your members (for Consumer's Guide display purposes):

5.) List the following for each of your products within this product line:

Marketed			-----Phone Numbers-----
a.) <u>Product Name</u>	b.) <u>HMO/POS</u>	c.) <u>Customer Service</u>	d.) <u>RN Hotline</u>
_____	_____	_____	_____
_____	_____	_____	_____

6.) Through what organization was your managed care organization accredited as of :
December 31, 2002?

Accrediting organization: ☐ NCQA ☐ URAC ☐ JCAHO ☐ None
Level of Accreditation: _____

7.) Managed Care Organization Contact Person for Table D Information:

a.) Name: _____ b.) Title: _____
c.) Phone: _____ d.) Fax: _____ e.) E-mail: _____

Table D
Managed Health Care Services
Reporting Period: CY 2002

II. HEALTH PLAN SERVICES

1.) Please indicate for each of the following high risk conditions/diseases, if your managed care plan (A) has screening mechanisms, (B) provides case management, (C) provides specific educational materials to persons-at-risk, and (D) distributes educational material for all plan enrollees. (CHECK ALL THAT APPLY. SEE NOTE BELOW.)

High Risk Conditions/Diseases	(A) Screening Mechanisms	(B) Case Management	(C) Education for Persons-at-risk	(D) Education for All Plan Enrollees
Asthma	(NA)	()	(NA)	()
Stroke/Cardiovascular Disease	(NA)	()	(NA)	()
Breast Cancer	()	()	()	()
Cervical Cancer	()	()	()	()
Ovarian Cancer	(NA)	()	(NA)	()
Colorectal Cancer	(NA)	()	(NA)	()
Sickle Cell Disorders	(NA)	()	(NA)	()
Congestive Heart Failure (CHF)	(NA)	()	(NA)	()
Chronic Obstructive Pulmonary Disease (COPD)	(NA)	()	(NA)	()
Diabetes	(NA)	()	(NA)	()
Depression	(NA)	()	(NA)	()
HIV	(NA)	()	(NA)	()
High Risk Pregnancy	(NA)	()	(NA)	()
Obesity	(NA)	()	(NA)	()
Lead Poisoning	(NA)	()	(NA)	()
Chlamydia: Females	(NA)	()	(NA)	()
High Blood Pressure	(NA)	()	(NA)	()
Alcohol/Substance Abuse:				
Adolescents	(NA)	()	(NA)	()
Pregnant Women	(NA)	()	(NA)	()
Tobacco Use	(NA)	()	(NA)	()
Other _____	()	()	()	()
(PLEASE SPECIFY)				

Note: Screening Mechanisms is a protocol by which the Managed Care Organization identifies through administrative data, members at risk for certain diseases or conditions, utilizing clinical guidelines, and then formally conveys to the network PCPs or personal physician to proactively screen these at-risk patients in their daily practice.

Case management is a protocol where case managers work with providers and physicians to coordinate the medical care that patients with complex or chronic illnesses need to receive. Case managers help patients take care of themselves and make sure they get the right specialists, equipment and medications.

Education strategies for all plan enrollees may include but are not limited to newsletters, periodicals, direct mailings and similar types of media campaigns.

- 2.) Please indicate if your managed care plan provides any of the following:
- a.) Routine distribution of educational materials on general health promotion, disease prevention and wellness () YES () NO
 - b.) Distribution of pre- and post-surgical information to enrollees () YES () NO
 - c.) Promotion of the use of the National Asthma Education Prevention Program (NAEPP) among providers? () YES () NO

Note: The term *reminder/recall* in Questions 3a – 3b refers to notices intended to insure timely scheduling of the specific preventive screening/test or service indicated. General education materials or notices tied to anniversary dates, such as birthdays or enrollment dates, do not meet this definition.

3a.) **Commercial or Medicaid only** (If completing for a Medicare plan, skip to Question 3b)

Do you send reminder/recall letters and/or make telephone calls from your managed care plan office to your members to ensure usage of the following preventive services?

Mammograms	() YES	() NO
Immunizations	() YES	() NO
Pap smears	() YES	() NO
Diabetic Screens/Tests	() YES	() NO

3b.) **Medicare only**

Do you send reminder/recall letters and/or make telephone calls from your managed care plan office to your members to ensure usage of the following preventive services?

Mammograms	() YES	() NO
Immunizations	() YES	() NO
Well-woman checks	() YES	() NO
Diabetic Screens/Tests	() YES	() NO

- 4.) **Commercial only:** During the reporting period, did your plan manage the following health services for your ASO group contracts? For each of the health services listed below, please indicate if it was elected as a covered benefit in all the ASO contracts with your plan, in some of the ASO contracts, or in none of the ASO contracts. (CHECK ONE COLUMN ONLY)

Selected Covered Benefits:

ASO Contracts

	<u>All</u> <u>Contracts</u>	<u>Some</u> <u>Contracts</u>	<u>None of the</u> <u>Contracts</u>
Immunizations.....	()	()	()
Mammograms	()	()	()
Pap Smears.....	()	()	()

- 5.) During the reporting period, did your plan provide coverage to your non-ASO members for the following health benefits? Please indicate if the benefit item was offered as standard coverage for all non-ASO products within the product line (commercial, Medicaid or Medicare), as standard coverage only for some non-ASO products in the product line, offered only by rider clause (employer option), or not covered at all. (CHECK ONLY ONE FOR EACH BENEFIT LISTED)

	<u>Non-ASO Products Only</u>			
	<u>All Products</u>	<u>Some Products</u>	<u>Offered only by rider clause</u>	<u>Not Offered</u>
Rx coverage of:				
Prenatal vitamins, including folic acid.....	()	()	()	()
Non-Morbid Obesity:				
Prescriptions.....	()	()	()	()
Dietary Consultations...	()	()	()	()
Surgical Procedures.....	()	()	()	()
Contraceptives:				
Birth control pills.....	()	()	()	()
IUDs.....	()	()	()	()
Norplant.....	()	()	()	()
Dcpo Provera.....	()	()	()	()
Immunizations:				
Hepatitis A.....	()	()	()	()
Hepatitis B.....	()	()	()	()
Varivax (chicken pox)...	()	()	()	()
Annual eye exam for refractive errors.....	()	()	()	()
Diabetic supplies..... (strips, lancets, etc.)	()	()	()	()
Insulin pumps.....	()	()	()	()
Stem cell rescue for:				
Neuroblastoma.....	()	()	()	()
Breast cancer.....	()	()	()	()
Access to chiropractic services	()	()	()	()
Psychotherapy services				
Individual.....	()	()	()	()
Group.....	()	()	()	()
Family.....	()	()	()	()
Marital.....	()	()	()	()
Substance abuse services:				
Inpatient/residential.....	()	()	()	()
Outpt./partial hospitalization	()	()	()	()
Unrestricted annual flu shots	()	()	()	()
Acupuncture.....	()	()	()	()

- 5.) During the reporting period, did your plan provide coverage to your non-ASO members for the following health benefits? Please indicate if the benefit item was offered as standard coverage for all non-ASO products within the product line (commercial, Medicaid or Medicare), as standard coverage only for some non-ASO products in the product line, offered only by rider clause (employer option), or not covered at all. (CHECK ONLY ONE FOR EACH BENEFIT LISTED)

	<u>Non-ASO Products Only</u>			
	<u>All Products</u>	<u>Some Products</u>	<u>Offered only by rider clause</u>	<u>Not Offered</u>
Rx coverage of:				
Prenatal vitamins, including folic acid.....	()	()	()	()
Non-Morbid Obesity:				
Prescriptions.....	()	()	()	()
Dietary Consultations...	()	()	()	()
Surgical Procedures.....	()	()	()	()
Contraceptives:				
Birth control pills.....	()	()	()	()
IUDs.....	()	()	()	()
Norplant.....	()	()	()	()
Depo Provera.....	()	()	()	()
Immunizations:				
Hepatitis A.....	()	()	()	()
Hepatitis B.....	()	()	()	()
Varivax (chicken pox)...	()	()	()	()
Annual eye exam for refractive errors.....	()	()	()	()
Diabetic supplies..... (strips, lancets, etc.)	()	()	()	()
Insulin pumps.....	()	()	()	()
Stem cell rescue for:				
Neuroblastoma.....	()	()	()	()
Breast cancer.....	()	()	()	()
Access to chiropractic services	()	()	()	()
Psychotherapy services				
Individual.....	()	()	()	()
Group.....	()	()	()	()
Family.....	()	()	()	()
Marital.....	()	()	()	()
Substance abuse services:				
Inpatient/residential.....	()	()	()	()
Outpt./partial hospitalization	()	()	()	()
Unrestricted annual flu shots	()	()	()	()
Acupuncture.....	()	()	()	()

Smoking cessation

Classes.....	()	()	()	()
Medications/patches....	()	()	()	()
Conduct wellness surveys*	()	()	()	()

*A wellness survey is a questionnaire on health behaviors. It does not refer to a physical exam.

- 6.) For each preventive service listed below, please indicate (A) if your plan provided physicians routine status reports on the delivery of these services to their panel members and (B) if your plan sent comparative information to the physicians, during the reporting year. Following each response, enter a brief description of the report(s) or information that you sent.

	(CHECK IF YES)		(CHECK IF YES)	
	(A) Plan Provided <u>Reports</u>	Description of Report(s)	(B) Plan Sent Comparative <u>Data</u>	Description of Report(s)
Childhood Immunizations.....	()	_____	()	_____
Adolescent Immunizations.....	()	_____	()	_____
Breast Cancer Screenings.....	()	_____	()	_____
Pap Smears.....	()	_____	()	_____
Lead Screenings:				
12 and 24 months.....	()	_____	()	_____
Under 6 if no prior blood test.....	()	_____	()	_____
Cholesterol Management after Acute Cardiovascular Event: LDL-C Screenings	()	_____	()	_____
Beta Blocker Treatment After Heart Attack.....	()	_____	()	_____
Comprehensive Diabetic Care:				
Hemoglobin Testing.....	()	_____	()	_____
Retinal Disease Eye Exam.....	()	_____	()	_____
LDL-C (Lipids) Testing	()	_____	()	_____
Nephropathy Screenings.....	()	_____	()	_____
Annual Flu Shots for Older Adults.....	()	_____	()	_____
Tobacco Cessation Counseling.....	()	_____	()	_____
Other (Please specify)_____	()	_____	()	_____

- 7.) Does your plan routinely conduct continuing education with your providers to improve their knowledge on current clinical practice recommendations?

() YES () NO

YES All HMO Products	YES Some HMO Products	NO No HMO Products
----------------------------	-----------------------------	--------------------------

- g.) If YES for all or some products on Question 8f, list the additional types of providers that can be accessed without referral or prior authorization:

Some Products

[illegible]

9.) The following questions pertain to your managed care product Internet site:

a) Does the Internet site for your managed care products provide a lookup reference to a list of your network physicians or other providers? YES ____ NO ____ (if NO, skip to Question 10)

b) Does your provider listing contain the following information?

i) Name: YES ____ NO ____;

↳ Able to search on this criteria? YES ____ NO ____

ii) Specialty: YES ____ NO ____;

↳ Able to search on this criteria? YES ____ NO ____

iii) By product: YES ____ NO ____;

↳ Able to search on this criteria? YES ____ NO ____

iv) County: YES ____ NO ____;

↳ Able to search on this criteria? YES ____ NO ____

v) City: YES ____ NO ____;

↳ Able to search on this criteria? YES ____ NO ____

vi) Zip Code: YES ____ NO ____;

↳ Able to search on this criteria? YES ____ NO ____

vii) Hospital Affiliations: YES ____ NO ____

↳ Able to search on this criteria? YES ____ NO ____

c) How often is provider information updated?

i) Weekly: YES ____ NO ____

ii) Monthly: YES ____ NO ____

iii) Semi-Annually: YES ____ NO ____

iv) Annually: YES ____ NO ____

v) Other (Please specify) _____

vi) Is the date of the update displayed?

YES ____ NO ____

d) Is the provider information available to:

i) Plan Members? YES ____ NO ____

ii) Prospective Members (Without the need to register on the site)? YES ____ NO ____

10.) For each of the practitioner categories below, indicate the number you had in your plan network during the reporting year and the number of that total which your MCO verified, within the past two years, as being board certified where applicable.

	<u>Number of Practitioners</u>	<u>Number Who Are Board Certified</u>
a.) Primary Care Physicians (excluding OB/GYNs)	_____	_____
b.) Medical/Surgical Specialists (excluding OB/GYNs)	_____	_____
c.) OB/GYNs	_____	_____
d.) Chiropractors	_____	_____
e.) Mental Health Providers	_____	_____
f.) General Dentists	_____	_____
g.) Advanced Practice Nurse	_____	_____

**Title 20—DEPARTMENT OF INSURANCE
Division 100—Division of Consumer Affairs
Chapter 6—Privacy of Consumer Information**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance under section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 100-6.110 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1988-1989). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Insurance received six (6) comments on the proposed rule.

COMMENT: It was suggested that the proposed regulation not refer to unfair trade practices in the event the regulation was violated.

RESPONSE: The proposed rule does not state that a violation of the provisions of the proposed rule constitutes a violation of the state's unfair trade practices statutes. Therefore, no changes corresponding to this comment will be made.

COMMENT: There were three (3) comments that suggested that the "Purpose" clause of the proposed rule delete the statement that the proposed rule applies to nonpublic personal health information, in that it falls outside of the scope of the Gramm-Leach-Bliley Act.

RESPONSE AND EXPLANATION OF CHANGE: The Department does not agree that that the language of the "Purpose" clause exceeds the scope of the Gramm-Leach-Bliley Act. However, it has changed the "Purpose" clause of this proposed rule so that it corresponds to that of 20 CSR 100-6.100 Privacy of Financial Information.

COMMENT: It was suggested that the department withdraw the proposed rule and allow each insurer to safeguard the information as they deem appropriate.

RESPONSE: Because the department believes the proposed rule is necessary to protect consumers, it is not going to withdraw the proposed rule.

COMMENT: It was suggested that the definition of "licensee" should add an exception for reinsurers providing stop loss and excess loss insurance as well as those providing indemnity reinsurance, and that the definition of "service providers" in subsection (1)(E) of the proposed rule is overbroad, and should, therefore, make an exception or include an exclusion for attorneys providing legal representation to licensees.

RESPONSE: The department does not believe any exceptions for reinsurers providing stop loss and excess loss insurance, for producers providing indemnity reinsurance and for attorneys providing legal representation to licensees is necessary. The definitions for "licensee" and "service providers" are sufficiently clear. Therefore, no changes corresponding to this comment will be made.

COMMENT: It was suggested that the proposed rule be changed to offer greater protection to insurance claimants against "overly broad" consent forms and the use and referral of information obtained with those forms.

RESPONSE: The proposed rule does not address insurers' use of consent forms. Therefore, no changes corresponding to this comment will be made.

COMMENT: It was suggested that sections (5) through (8) should be deleted, since those sections serve as illustrative examples only, and that section (7) either be deleted in its entirety or to retain subsection (7)(A) and delete subsection (7)(B), in that the department should not issue a mandate to or requirement for licensees (subsection (7)(B)) "in the guise of an example." If the foregoing proposals for changes are made to the proposed rule, it was suggested that the definition of "service provider" be deleted as it would no longer be necessary.

RESPONSE: The department believes that sections (5) through (8) of the proposed rule are necessary to help licensees interpret and comply with the requirements of the proposed rule and underlying law. Subsection (7)(B) is not meant to be an absolute requirement for licensees, but an example of something the licensee may require its service providers to do. It is a choice for the licensee to make, not a mandate. For these reasons, no changes corresponding to this comment will be made.

EXPLANATION OF ADDITIONAL CHANGE: Because of the expected effective date of the proposed rule, the Compliance Date set forth in section (9) of the proposed rule will be extended.

20 CSR 100-6.110 Standards for Safeguarding Customer Information

PURPOSE: *This rule establishes standards for developing and implementing administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of customer information, pursuant to sections 501, 505(b), and 507 of the Gramm-Leach-Bliley Act, codified at 15 U.S.C. 6801, 6805(b), and 6807, and as authorized by section 362.422, RSMo Supp. 2001. This rule requires that the safeguards established pursuant to this rule shall apply to nonpublic personal information and nonpublic personal financial information.*

(4) Examples of Methods of Development and Implementation. The actions and procedures described in sections (5) through (8) of this regulation are examples of methods of implementation of the requirements of sections (2) and (3) of this regulation. These examples are non-exclusive illustrations of actions and procedures that licensees may follow to implement sections (2) and (3) of this regulation.

(9) Compliance Date. Each licensee shall establish and implement an information security program, including appropriate policies and systems pursuant to this regulation by June 1, 2003.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

IN ADDITION

The original text for this rule was filed on April 26, 2000 and published in the *Missouri Register* on June 1, 2000 (25 MoReg 1450). The last two sections were meant to be subsection (2)(G) and section (3). They are corrected below as they now appear in the *Code of State Regulations* as published February 28, 2003.

5 CSR 80-800.370 Fees

(2) The following fees are established by the State Board of Education (the board) and are payable in the form of a cashier's check or money order to the Treasurer, State of Missouri:

(G) Missouri Open Records Check—Amount determined by the Missouri State Highway Patrol.

(3) All fees are nonrefundable.

**[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH AND SENIOR
SERVICES**

**Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

IN ADDITION

As a result of the Board of Nursing Home Administrators transferring from the Department of Social Services to the Department of Health and Senior Services, the following rules are transferred to the Department of Health and Senior Services.

[13] 19 CSR 73-2.010 Definitions

[13] 19 CSR 73-2.070 Examination

[13] 19 CSR 73-2.100 Restoration and Rehabilitation of Suspended/
Revoked Licenses

[13] 19 CSR 73-2.105 Disciplinary Proceedings

[13] 19 CSR 73-2.110 Display of License

[13] 19 CSR 73-2.120 Duplicate License

[13] 19 CSR 73-2.130 Notice of Change of Address

Title 20—DEPARTMENT OF INSURANCE

IN ADDITION

Pursuant to section 538.210, RSMo regarding the medical malpractice award limit, the director of insurance is required to calculate the new limitation for non-economic damages in medical malpractice awards.

Using the Implicit Price Deflator (IPD) for Personal Consumption Expenditures (PCE), as required by section 538.210, RSMo, the new limit was established by the following calculations:

Indexes Based on 1996 Dollars

Fourth Quarter 2002 IPD Index 111.89

Fourth Quarter 2001 IPD Index 109.84

New Limit = 2002 Limit × (2002 Index/2001 Index)

557,254 = 547,044 × (1.1189/1.0984)

2003 Non-Economic Damages Limit (Rounded) = \$557,000

Construction Transient

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
A FISCHER BUILDERS INC	814 OHIO ST	QUINCY	IL	62301
AC LEADBETTER & SON INC	110 ARCO DR	TOLEDO	OH	43615
ACI MECHANICAL CORPORATION	3116 SOUTH DUFF AVE	AMES	IA	50010
ACI MECHANICAL INC	3116 S DUFF AVE	AMES	IA	50010
ADDISON CONSTRUCTION CO	1526 HORSE CREEK RD	CHEYENNE	WY	82009
ADUDELL ROOFING & SHEET METAL INC	14220 S MERIDIAN	OKLAHOMA	OK	73173
ADVANCED ELECTRICAL SYSTEMS INC	33867 W 287TH ST	PAOLA	KS	66071
ADVANCED PROTECTIVE COATING INC	2530 BAYARD ST	KANSAS CITY	KS	66105
AEI INC	735 GLASER PKWY	AKORN	OH	44306
AGRA FOUNDATIONS INC	10108 32ND AVE W C-3 #A2	EVERETT	WA	98204
AIDE INC	2510 WADE HAMPTON BLVD	GREENVILLE	SC	29606
AKI CONTROL SYSTEMS INC	P O BOX 444	WALLER	TX	77484
ALL IOWA CONTRACTING CO	5613 MCKEVETTE RD	WATERLOO	IA	50701
ALLIANCE ENTERPRISES INC	5421 PENINSULA DR S E	OLYMPIA	WA	98513
ALLIANCE INTEGRATED SYSTEMS INC	1500 STUDEMONT	HOUSTON	TX	77007
ALLIED UNIKING CORPORATION INC	4750 CROMWELL AVE	MEMPHIS	TN	38118
ALLSTATE SPECIALTY CONSTRUCTION INC	32700 W 255TH ST	PAOLA	KS	66071
AMERICAN IRONWORKS INC	100 S MAIN	CUTLER	IL	62238
AMERICAN MASONRY CO	1016 W EUCLID	PITTSBURG	KS	66762
AMERICASDOCTOR.COM COORDINATORS SERVICES INC	3315 S 23RD STR 108	TACOMA	WA	98405
ANDERSEN TRENCHING & EXCAVATING INC	17263 SUMAC RD	HONEY CREEK	IA	51542
ANGELO IAFRATE CONSTRUCTION COMPANY	26400 SHERWOOD	WARREN	MI	48091
ANTIGO CONSTRUCTION INC	2520 N CLERMONT ST	ANTIGO	WI	54409
API INC	2366 ROSE PL	ST PAUL	MN	55113
APPLICATION CONTRACTORS SERVICES IN	14409 W EDISON DR #13A	NEW LENOX	IL	60451
ARCHITECTURAL GLAZING PROFESSIONALS	11655 CLARE RD	OLATHE	KS	66061
ARGUSS COMMUNICATIONS GROUP INC	DOVER RD	EPSOM	NH	03234
ARKANSAS CONTRACTORS	1308 CHURCH	BARLING	AR	72952
ARNOLD & MADSON INC	1995 CENTURY AVE SO	WOODBURY	MN	55125
ASPHALT STONE COMPANY	520 N WEBSTER	JACKSONVILLE	IL	62650
ATLAS INDUSTRIAL HOLDINGS LLC	5275 SINCLAIR RD	COLUMBUS	OH	43229
AUGERS UNLIMITED INC	14910 METROPOLITAN AVE	BONNER SPRNGS	KS	66012
AUTOMATIC FIRE SPRINKLER LLC	3315 N 124TH ST STE B	BROOKFIELD	WI	53005

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
AUTRY CONSTRUCTION INC	140 E 3RD	BAXTER SPRINGS	KS	66713
B & B CONTRACTORS INC	13745 SEMINOLE DR	CHINO	CA	91710
B & B DRYWALL CO INC	10567 WIDMER	LENEXA	KS	66215
B & B PERMASTORE INC	6750 W 75TH STE 1A	OVERLAND PARK	KS	66204
B & D ELECTRIC INC	P O BOX 43	STAMPS	AR	71860
B & D SERVICES	4018 NEW YORK RD	NASHVILLE	IL	62262
B C U ELECTRIC INC	1019 US 250 N	ASHLAND	OH	44805
BADGER INDUSTRIAL CONTRACTORS INC	158 UNDERWOOD RD	FLETCHER	NC	28732
BAKER CONCRETE CONSTRUCTION INC	900 N GARVER RD	MONROE	OH	45050
BALL CONSTRUCTION INC	13922 WEST 108TH ST	LENEXA	KS	66215
BANKERS EDGE	1288 VALLEY FORGE STE 50	VALLEY FORGE	PA	19482
BARROWS EXCAVATION INC	49 COUNTY RD #404	BERRYVILLE	AR	72616
BARTLETT NUCLEAR INC	60 INDUSTRIAL PARK RD	PLYMOUTH	MA	02360
BARTLOW BROTHERS INC	S LIBERTY STREET RD	RUSHVILLE	IL	62681
BAZIN EXCAVATING INC	15233 BROADMOOR	OVERLAND PARK	KS	66283
BE & K ENGINEERING COMPANY	2000 INTERNATIONAL PK DR	BIRMINGHAM	AL	35243
BENCHMARK INC	6065 HUNTINGTON CT NE	CEDAR RAPIDS	IA	52402
BERNIE JANNING TERRAZZO & TILE INC	17509 HWY 71	CARROLL	IA	51401
BEST PLUMBING & HEATING	421 SECTION OD	SCAMMON	KS	66773
BEW CONSTRUCTION CO INC	1319 MAIN ST	WOODWARD	OK	73801
BILL DAVIS ROOFING LC	628 VERMONT	LAWRENCE	KS	66044
BJ ERECTION CORPORATION	16626 MILES AVE	CLEVELAND	OH	44128
BLACKSHIRE CONSTRUCTION INC	ROUTE 14 BOX 942	ELIZABETH	WV	26143
BLAZE MECHANICAL INC	15755 S 169 HWY STE E	OLATHE	KS	66062
BLICKS CONSTRUCTION CO INC	LOCK & DAM RD	QUINCY	IL	62301
BOB FLORENCE CONTRACTOR INC	1934 S KANSAS AVE	TOPEKA	KS	66612
BONNEVILLE CONSTRUCTION CO INC	5005 E CAREY AVE	LAS VEGAS	NV	89115
BOYD ELECTRIC INC	3315 N 70TH ST	KANSAS CITY	KS	66109
BRADEN CONSTRUCTION SERVICES INC	5110 N MINGO RD	TULSA	OK	74117
BRB CONTRACTORS INC	400 W CURTIS	TOPEKA	KS	66608
BRINK ELECTRIC CONSTRUCTION CO	2950 N PLAZA DR	RAPID CITY	SD	57702
BROWNING WELDING SERVICE INC	163 SHAW BRIDGE ROAD	GREENBRIER	AR	72058
BUCKLEY ROOFING CO INC	3601 N HYDRAULIC	WICHITA	KS	67219
BUILDINGS INC	235 SOUTH 40TH	SPRINGDALE	AR	72765
BUILT WELL CONSTRUCTION CO	MAIN ST HWY 279 S	HIWASSE	AR	72739
C & C CONTRACTING INC	222 SOUTH SECOND ST	ORLEANS	IN	47452
C IBER & SONS INC	3212 N MAIN	EAST PEORIA	IL	61611
CABLE CONSTRUCTORS INC	105 KENT ST	IRON MOUNTAIN	MI	49801
CALLS METAL BLDG ERECTORS INC	8128 12TH ST	SOMERS	WI	53171
CAPE ENVIRONMENTAL MANAGEMENT INC	2302 PARKLAKE DR STE 200	ATLANTA	GA	30345
CAPITAL INSULATION INC	3210 NE MERIDEN RD	TOPEKA	KS	66617
CARNEY DEMOLITION	303 S HALSTED	CHICAGO	IL	60661

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
CAROLLO ENGINEERS A PROFESSIONAL CORPORATION	3877 N SEVENTH ST #400	PHOENIX	AZ	85014
CARTER MOORE INC	1865 E MAIN ST STE F	DUNCAN	SC	29334
CAS CONSTRUCTION INC	501 NE BURGESS	TOPEKA	KS	66608
CASE FOUNDATION CO	1325 W LAKE ST	ROSELLE	IL	60172
CASHATT & SONS CORP	BOX 74	RED OAK	IA	51566
CASYSTEMS INTERNATIONAL INC	8300 COLESVILLE RD 700	SILVER SPRING	MD	20910
CBS CONSTRUCTORS	204 E 1ST	MCCOOK	NE	69001
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO	TX	78219
CDK CONTRACTING COMPANY	800 S HUTTON RD	FARMINGTON	NM	87401
CDK SKANSKA INC	800 S HUTTON RD	FARMINGTON	NM	87401
CENTRAL CEILING SYSTEMS INC	105 INDUSTRIAL PARK	DEERFIELD	WI	53531
CENTRAL FOUNDATION INC	915 MARION RD S	CENTRAL CITY	IA	52214
CENTRAL ILLINOIS TILE CO	3302 N MATTIS AVE	CHAMPAIGN	IL	61821
CENTRAL STATES CONTRACTING INC	1007 COURT	CLAY CENTER	KS	67432
CENTRAL STATES CONTRACTING SERVICES	610 S 78TH ST	KANSAS CITY	KS	66111
CENTRAL STATES ENVIRONMENTAL SERVIC	609 AIRPORT ROAD	CENTRALIA	IL	62801
CENTURY MECHANICAL CONTRACTORS INC	15480 S 169 HWY	OLATHE	KS	66051
CHALLENGE CONSTRUCTION	PO BOX 1509	MANVEL	TX	77578
CHANCE CONSTRUCTION CO	ITALY & BARBER ST	HEMPHILL	TX	75948
CHANCELLOR & SON INC	7474 RALEIGH LAGRANGE RD	CORDOVA	TN	38018
CLARK CORPORATION THE	141 CATHERINE ST	EAST PEORIA	IL	61611
CLEVINGER CONTRACTORS INC	NAPLES LANE RR1 PO BOX 19	BLUFFS	IL	62621
CLIFFORD LEE & ASSOCIATES	292 MELVIN HARRIS RD	MANCHESTER	GA	31816
COAST TO COAST BUILDERS INC	750 E FUNSTON	WICHITA	KS	67211
COASTAL GUNITE CONSTRUCTION CO	16 WASHINGTON ST	CAMBRIDGE	MD	21613
COLLECTOR WELLS INTERNATIONAL INC	6360 HUNTLEY RD	COLUMBUS	OH	43229
COMMERCIAL CONTRACTING CO OF SAN AN	5797 DIETRICH RD	SAN ANTONIO	TX	78219
COMMERCIAL CONTRACTORS INC	729 LINCOLN AVE	HOLLAND	MI	49423
COMO TECH INSPECTIONS INC	40 DEEP CREEK RD	MANHATTAN	KS	66502
CONLEY SPRINKLER INC	822 MAIN	PLEASANTON	KS	66075
CONSTRUCTION MANAGEMENT INC	108 JACKMAN ST	GEORGETOWN	MA	01833
CONSTRUCTION MARKET DATA GROUP INC	275 WASHINGTON ST	NEWTON	MA	02458
CONSTRUCTION SERVICES BRYANT INC	232 NEW YORK ST	WICHITA	KS	67214
CONSTRUCTORS INC	P O BOX 46417	BATON ROUGE	LA	70895
CONTRACT DEWATERING SERVICES INC	5820 W RIVERSIDE DR	SARANAC	MI	48881
CONTRACTOR SERVICES INC	122 EAST 17TH ST	DAVENPORT	IA	52808
COOPERS STEEL FABRICATORS	503 N HILLCREST DR	SHELBYVILLE	TN	37162
CORNERSTONE COMMERCIAL CONTRACTORS	1260 JERICO	CORNING	IA	50841
CORONA POWER SERVICES INC	5220 MINOLA DR	LITHONIA	GA	30038
CORONADO INC	1835 WALL ST	SALINA	KS	67401
COST OF WISCONSIN INC	4201 HWY P	JACKSON	WI	53037

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COWARTS CONSTRUCTION COMPANY INC	223 AIRPORT RD	SALEM	AR	72576
CRANE CONSTRUCTION COMPANY LLC	343 WAINWRIGHT DR	NORTHBROOK	IL	60062
CREEK ELECTRIC INC	2811 W PAWNEE ST	WICHITA	KS	67213
CRONISTER & COMPANY INC	FORBES FIELD BL 281 UNT E	TOPEKA	KS	66619
CROSSLAND HEAVY CONTRACTORS INC	S HWY 69	COLUMBUS	KS	66275
CROWN COMMERCIAL BUILDERS INC	107-109 W LEWIS	WICHITA	KS	67201
CROWN CORR INC	7100 W 21ST AVE	GARY	IN	46406
CUNNINGHAM INC	112 6TH AVENUE W	OSKALOOSA	IA	52577
CUST O FAB FIELD SERVICE LLC	1900 N 161ST E AVE	TULSA	OK	74116
CUST O FAB TANK SERVICES LLC	1900 N 161ST E AVE	TULSA	OK	74116
CUSTOMER CARE SOLUTIONS	1 IRVINGTON CTR 700 KING	ROCKVILLE	MD	20850
CUTCO INC	RR 1 BOX 121	WYOMING	IL	61491
D & D PIPELINE CONSTRUCTION CO INC	4700 W HWY 117	SAPULPA	OK	74066
DALRYMPLE & CO	3675 S NOLAND RD STE 102	INDEPENDENCE	MO	64055
DANNYS CONSTRUCTION CO INCORPORATED	1066 WEST THIRD AVENUE	SHAKOPEE	MN	55379
DAVCO CORPORATION OF TENNESSEE	5384 POPLAR AVE STE 501	MEMPHIS	TN	38119
DAVID A NICE BUILDERS INC	4571 WARE CREEK ROAD	WILLIAMSBURG	VA	23188
DAVIS ELECTRICAL CONSTRUCTORS INC	429 N MAIN ST	GREENVILLE	SC	29602
DCG PETERSON BROTHERS COMPANY	5005 S HWY 71	SIOUX RAPIDS	IA	50585
DDD COMPANY	8000 CORPORATE DR STE 100	LANDOVER	MD	20785
DELCO ELECTRIC INC	7615 N CLASSEN BLVD	OKLAHOMA CITY	OK	73116
DELPHI AUTOMOTIVE SYSTEMS HUMAN RESOURCES LLC	P O BOX 62410	PHOENIX	AZ	85082
DEMCO INC	238 LEIN RD	BUFFALO	NY	14224
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIAMOND ELECTRIC SERVICE INC	21325 W 105TH ST	OLATHE	KS	66061
DIAMOND SURFACE INC	13792 REIMER DR N	MAPLE GROVE	MN	55311
DIG AMERICA UTILITY CONTRACTING INC	606 25TH AVE SO STE 202	ST CLOUD	MN	56301
DIMENSIONAL TECHNOLOGY INC	6717 LINDEN LN	HUNTLEY	IL	60142
DIVINE INC	2310 REFUGEE RD	COLUMBUS	OH	43207
DL SMITH ELECTRICAL CONSTRUCTION INC	1405 SW 41ST ST	TOPEKA	KS	66609
DOBSON DAVIS COMPANY	8521 RICHARDS RD	LENEXA	KS	66215
DOVE CORPORATION OF NORTH AMERICA	5450 EAST ST	SAGINAW	MI	48601
DON BELL HOMES INC	11599 N RIDGEVIEW	OLATHE	KS	66061
DONALD E MCNABB COMPANY INC	31250 S MILFORD RD	MILFORD	MI	48381
DOSTER CONSTRUCTION CO INC	2619 COMMERCE BLVD	BHAM	AL	35210
DOUBLE O MASONRY INC	722 S 260TH ST	PITTSBURG	KS	66762
DRAINAGE & GROUND IMPROVEMENT INC	275 MILLERS RUN RD	BRIDGEVILLE	PA	15017
DUAL TEMP ILLINOIS INC	3801 S SANGAMON ST	CHICAGO	IL	60609
DUCOING ENTERPRISES INC	1910 ESTELLE LANE	PLACENTIA	CA	92870
DUSTROL INC	GEN DEL	EL DORADO	KS	67042
DW PROEHL CONSTRUCTION INC	818 N HELEN AVE	SIOUX FALLS	SD	57104

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EASYBAR BEVERAGE CONTROLS	19799 SW 95TH PLACE STE A	TUALATIN	OR	97062
EATHERLY CONSTRUCTORS INC	2204 W MARY ST	GARDEN CITY	KS	67846
ECONOMY ELECTRICAL CONTRACTORS	101 CENTURY 21 DR #204	JACKSONVILLE	FL	32216
EDWARD KRAEMER & SONS INC	ONE PLAINVIEW RD	PLAIN	WI	53577
ELCON CONSTRUCTION LLC	12221 DIXIE	REDFORD	MI	48239
ELECTRICAL LINE SERVICES INC	14200 S TULSA DR	OKLAHOMA CITY	OK	73170
ENERGY DELIVERY SERVICES INC	3909 W FIFTH ST	CHEYENNE	WY	82003
ENERGY SYSTEMS GROUP LLC	101 PLAZA E BLVD 320	EVANSVILLE	IN	47715
ENTERPRISE STAFF SOLUTIONS INC	2926 RIDGEWAY RD	MEMPHIS	TN	38115
ENTRUP DRYWALL & PAINTING INC	1222 1/2 VERMONT	QUINCY	IL	62305
ENVIRONMENTAL SYSTEMS DESIGN INC	175 W JACKSON BLVD 1400	CHICAGO	IL	60604
EQUUS METALS	1415 S JOPLIN AVE	TULSA	OK	74112
ER HOKE CONSTRUCTION CO INC	5 MILES W RTE 36	TUSCOLA	IL	61953
ERVIN CABLE CONSTRUCTION INC	260 N LINCOLN BLVD E	SHAWNEETOWN	IL	62984
ESCO ELECTRICAL SERVICES INC	520 E MAIN	EL DORADO	AR	71730
EVCO NATIONAL INC	339 OLD ST LOUIS RD	WOOD RIVER	IL	62095
EXXEL PACIFIC INC	323A TELEGRAPH RD	BELLINGHAM	WA	98226
FABCON INCORPORATED	6111 WEST HIGHWAY 13	SAVAGE	MN	55378
FABCON LLC	3400 JACKSON PIKE	GROVE CITY	OH	43123
FALCON ELECTRIC INC	100 NORTH FIRST ST	CLARKSBURG	WV	26301
FARABEE MECHANICAL INC	P O BOX 1748	HICKMAN	NE	68372
FAYETTEVILLE PLUMBING & HEATING CO INC	P O BOX 1061	FAYETTEVILLE	AR	72702
FEDERAL FIRE PROTECTION INC	805 SECRETARY DR STE A	ARLINGTON	TX	76015
FIBREBOND RESOURCES INC	1300 DAVENPORT DR	MINDEN	LA	71055
FISHEL COMPANY THE	1810 ARLINGATE LN	COLUMBUS	OH	43228
FJW GROUP INC	905 W MITCHELL	ARLINGTON	TX	76013
FLOOR CRETE ENTERPRISES INC	6223 GESSNER DR	HOUSTON	TX	77041
FOLTZ CONSTRUCTION INC	BOX 38	PATOKA	IL	62875
FOLTZ WELDING PIPELINE MAINTENANCE	501 E CLINTON AVE	PATOKA	IL	62875
FORD CONTRACTING CORP	1307 E COURT ST	DYERSBURG	TN	38024
FREESIN INC	316 S PEARL	BLUFFS	IL	62621
GALACTIC TECHNOLOGIES INC	400 N LOOP 1604 E STE 210	SAN ANTONIO	TX	78232
GAMMA CONSTRUCTION COMPANY	2808 JOANEL	HOUSTON	TX	77027
GARY SANDERS MASONRY	109 AVE F	WEST POINT	IA	52656
GEISSLER ROOFING CO INC	612 S 3RD ST	BELLEVILLE	IL	62220
GENE FRITZEL CONSTRUCTION COMPANY I	643 MASSACHUSETTS STE 300	LAWRENCE	KS	66044
GENE FRITZEL CONSTRUCTION SERVICES	628 VERMONT	LAWRENCE	KS	66044
GFS LIFESAFETY CORP	LCR 740A RT 3 BOX 62B	THORNTON	TX	76687
GFV CONSTRUCTION CO	733 CARPENTERS WAY #32	LAKELAND	FL	33809
GIBRALTAR CONSTRUCTION CO INC	42 HUDSON ST STE A207	ANNAPOLIS	MD	21401
GINGHER PROCESS PIPING INC	3011 N MAIN ST	EAST PEORIA	IL	61611
GLEESON CONSTRUCTORS INC	2015 E 7TH ST	SIOUX CITY	IA	51105

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GLENN H JOHNSON CONSTRUCTION CO	2521 GROSS POINT RD	EVANSTON	IL	60201
GLOBAL COMPUTER ASSOCIATES INC	3 GARRET MOUNTAIN PLAZA	WEST PATERSON	NJ	07424
GOERLICH ROOFING INC	4400 HARRISON	QUINCY	IL	62301
GOLEY INC	P O BOX 309	DUPO	IL	62239
GORDONS ENHANCED TECHNOLOGY MARKETING INC	4500 RATLIFF LN #108	ADDISON	TX	75001
GRAYLING INCORPORATED	10258 SANTA FE DR	OVERLAND PARK	KS	66212
GRAZZINI BROS COMPANY	620 16TH AVE S	MINNEAPOLIS	MN	55454
GREAT SOUTH CONSTRUCTION CO INC	2500 HWY 31 SOUTH	PELHAM	AL	35124
GREAT SOUTHWESTERN CONSTRUCTION INC	6880 SO I 25	CASTLE ROCK	CO	80104
H & H SYSTEMS & DESIGN INC	130 EAST MAIN ST	NEW ALBANY	IN	47150
H & L ELECTRIC INC	8651 E HIGHWAY 24	MANHATTAN	KS	66502
H & M CONSTRUCTION CO INC	431 LIBERTY ST	MILAN	TN	38358
H&H DRYWALL SPECIALTIES INC	5200 S YALE STE 610	TULSA	OK	74135
HARBERT YEARGIN INC	105 EDINBURGH CR	GREENVILLE	SC	29607
HARDAWAY CONSTRUCTION CORP OF TENNE	615 MAIN STREET	NASHVILLE	TN	37206
HARNESS ROOFING INC	P O BOX 1382	HARRISON	AR	72601
HART PAINTING	2555 SW 50	OKLAHOMA CITY	OK	73119
HEALTHLINE INC	8687 VIADEVENTURE STE200	SCOTTSDALE	AZ	85258
HENNING CONSTRUCTION COMPANY	5870 MERLE HAY RD	JOHNSTON	IA	50131
HERITAGE HOUSING DEVELOPMENT INC	16133 VENTURA BLVD #965	ENCINO	CA	91436
HERMAN STEWART CONSTRUCTION & DEVEL	4550 FORBES BLVD	LANHAM	MD	20706
HINRICHS GROUP INC THE	141 MARKET PL DR STE 105	FAIRVIEW HEIGHTS	IL	62208
HOFFMANN INC	6001 49TH ST S	MUSCATINE	IA	52761
HOGUE HORN & PASHMAN INC	922 MISSOURI	LAWRENCE	KS	66044
HOKE ELECTRICAL	P O BOX 170	TUSCOLA	IL	61953
HOLIAN ASBSTS RMVL & ENCPSTN CORP	7504 MEYER RD	SPRING GROVE	IL	60081
HOLLIS ROOFING INC	P O BOX 2229	COLUMBUS	MS	39704
HORIZON GENERAL CONTRACTORS INC	7315 W ELIZABETH LN	FT WORTH	TX	76116
HORIZON GROUP INC	1325 N E BOND ST	PEORIA	IL	61603
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351
HOSPITALITY BUILDERS INC	PO BOX 1565	ABERDEEN	SD	57402
HUEGERICH CONSTRUCTION INC	512 N COURT	CARROLL	IA	51401
HUFF SEALING CORPORATION	HWY 15E	ALBION	IL	62806
HUSTON CONTRACTING INC	25640 W 143RD ST	OLATHE	KS	66061
HUTTON CONTRACTING CO INC	HWY 50	LINN	MO	65051
HUXTABLE KC SERVICE INC	16210 W 108TH	LENEXA	KS	66219
HY VEE WEITZ CONSTRUCTION LC	1501 50TH ST BLDG 1 #325	WEST DES MOINES	IA	50266
ILLINI MECHANICAL INC	1024 LOWRY	PITTSFIELD	IL	62363
INDUSTRIAL MAINTENANCE CONTRACTORS INC	2301 GARDEN CITY HWY	MIDLAND	TX	79701
INDUSTRIAL POWER & PROCESS CORP	P O BOX 38995	GREENSBORO	NC	27438
INDUSTRIAL PROCESS TECHNOLOGY INC	2213 7TH AVE N	FARGO	ND	58108

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INDUSTRY SERVICES CO INC	5550 TODD ACRES DR	MOBILE	AL	36619
INGRAM CONSTRUCTION COMPANY INC OF	173 HOY RD	MADISON	MS	39110
INNOVATIVE SYSTEMS OF KANSAS INC	2915 STRONG AVE	KANSAS CITY	KS	66106
INSTALLED PRODUCTS USA LLC	207 KELSEY LANE SUITE G	TAMPA	FL	33619
INSTITUTE OF NUCLEAR POWER OPERATIONS	700 GALLERIA PKWY	ATLANTA	GA	30339
INTEC SERVICES INC	454 LINK LN	FT COLLINS	CO	80522
INTERSTATES ELEC & ENGINEERING	1520 INDUSTRIAL PARK	SIOUX CENTER	IA	51250
INTL BROTHERHOOD OF ELECTRICAL WORK	106 N MONROE ST	WEST FRANKFORT	IL	62896
IRONDALE INDUSTRIAL CONTRACTORS	BOX 100099	BIRMINGHAM	AL	35210
IVEY MECHANICAL CO A PARTNERSHIP	514 NORTH WELLS ST	KUSCIUSKO	MS	39090
J & J CONSTRUCTION & SUPPLY INC	1136 W KANSAS	MCPHERSON	KS	67460
J & J MAINTENANCE INC	3755 CAPITAL OF TX HWY S	AUSTIN	TX	78704
J W BUCK CONSTRUCTION CO INC	4103 FRANDFORD AVE	LUBBOCK	TX	79407
JAMES N GRAY CONSTRUCTION CO	250 W MAIN ST	LEXINGTON	KY	40507
JANSSEN GLASS & MIRROR INC	5002 HADLEY	OVERLAND PARK	KS	66202
JD FRANKS INC	1602 S BELTINE ROAD	DALLAS	TX	75253
JE CAMPBELL INC	HWY 45E SOUTH	SOUTH FULTON	TN	38257
JF BRENNAN CO INC	820 BAINBRIDGE ST	LA CROSSE	WI	54603
JMC CONSTRUCTION INC	9893 UNIVERSITY DR STE119	MCKINNEY	TX	75070
JOEL FRITZEL BUILDERS INC	3320 CLINTON PARKWAY CT	LAWRENCE	KS	66047
JOHANSEN DRAINAGE & TILE	RT 1 BOX 152	RULO	NE	68431
JOHN A PAPALAS & CO	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHN E GREEN COMPANY	220 VICTOR AVE	HIGHLAND PARK	MI	48203
JOHN T JONES CONSTRUCTION CO	2213 7TH AVE NORTH	FARGO	ND	58108
JOHNSON INDUSTRIAL SERVICES INC	200 BENTLEY CIR	SHELBY	AL	35143
JOLLEY CONSTRUCTION COMPANY	6148 LEE HWY STE 200	CHATTANOOGA	TN	37421
JOMAX CONSTRUCTION COMPANY INC	S 281 HWY	GREAT BEND	KS	67530
JONES HYDROBLAST INC	P O BOX 309	ROYALTON	IL	62983
JONESBORO EQUIPMENT & SERVICE CO	3441 KNIGHT ARNOLD	MEMPHIS	TN	38118
JR STELZER CO	5850 RUSSELL DR	LINCOLN	NE	68507
JULIAN CONSTRUCTION COMPANY	15521 W 110TH ST	LENEXA	KS	66219
JULIUS KAAZ CONSTRUCTION COMPANY IN	716 CHEROKEE	LEAVENWORTH	KS	66048
K & M ELECTRICAL CONTRACTORS INC	940 COMMERCIAL SUITE B	ATCHISON	KS	66002
KAJIMA ASSOCIATES INC	900 SYLVAN AVE	ENGLEWOOD CLIFF	NJ	07632
KAJIMA CONSTRUCTION SERVICES INC	900 SYLVAN AVE	ENGLEWOOD CLIFF	NJ	07632
KANSAS BUILDING SYSTEMS INC	1701 SW 41ST	TOPEKA	KS	66609
KASBOHM CUSTOM DRILLING INC	11404 OAKTON RD	SAVANNA	IL	61074
KAYTON ELECTRIC INC	PO BOX 27	HOLDREGE	NE	68949
KDS CONSTRUCTION	9318 GULFSTREAM RD UNIT C	FRANKFORT	IL	60423
KEARNEY & SON CONSTRUCTION INC	2500 NORTH 7TH ST	LAWRENCE	KS	66044
KEARNEY ELECTRIC INC	3609 E SUPERIOR AVE	PHOENIX	AZ	85040
KEITH AUSTIN	3001 WEDINGTON DR #106	FAYETTEVILLE	AR	72701

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
KELLEY DEWATERING & CONSTRUCTION CO	5175 CLAY AVENUE SW	WYOMING	MI	49548
KENJURA TILE INC	BOX 158	BRENNHAM	TX	77834
KEOKUK CONTRACTORS INC	853 JOHNSON ST RD	KEOKUK	IA	52632
KESSLER CONSTRUCTION INC	13402 W 92ND ST	LENEXA	KS	66215
KG MOATS & SONS	9515 US HWY 63	EMMETT	KS	66422
KGL ASSOCIATES INC	759 ADAMS ST	DENVER	CO	80206
KILIAN CORPORATION THE	608 S INDEPENDENCE	MASCOUTAH	IL	62258
KING LAR COMPANY	2020 E OLIVE STREET	DECATUR	IL	62525
KINLEY CONSTRUCTION COMPANY	201 N UNION ST BNK RM 502	OLEAN	NY	14760
KNICKERBOCKER CONSTRUCTION INC	4823 LAKEWOOD DR	NORWALK	IA	50211
KUHLMAN REFRIGERATION INC	N56W16865 RIDGEWOOD 100	MENOMONEE FALLS	WI	53051
KURISU INTERNATIONAL INC	11125 SW BARBUR BL	PORTLAND	OR	97219
L & L INSULATION & SUPPLY CO	3305 SE DELAWARE AVE	ANKENY	IA	50021
L E BELL CONSTRUCTION COMPANY INC	1226 COUNTY ROAD 11	HEFLIN	AL	36264
LAKE CONTRACTING INC	4650 STONE CHURCH RD	ADDIEVILLE	IL	62214
LAKEVIEW CONSTRUCTION OF WISCONSIN	10505 CORPORATE DR #200	PLEASANT PRAIRI	WI	53158
LARRY COX CONSTRUCTION	50 FORT COX RD	HEBER SPRINGS	AR	72543
LEMAR CONSTRUCTION	2829 BRADY ST	DAVENPORT	IA	52803
LESSARD NYREN UTILITIES INC	17385 FOREST BLVD N	HUGO	MN	55038
LH SOWLES CO	2813 BRYANT AVE S	MINNEAPOLIS	MN	55408
LICAUSI CONSTRUCTION COMPANY	8301 W 125TH ST	OVERLAND PARK	KS	66213
LIFE SAFETY INC	12428 VETERANS MEM PKWY	LAFAYETTE	AL	36862
LIMBAUGH CONSTRUCTION CO INC	4186 HWY 162	GRANITE CITY	IL	62040
LIN R ROGERS ELECTRICAL CONTRACTORS	2050 MARCONI DR STE 200	ALPHARETTA	GA	30005
LITTLE ROCK ELECTRICAL CONTRACTORS	13008 LAWSON RD	LITTLE ROCK	AR	72210
LONG CONSTRUCTION INC	1600 E SUNVALE DR	OLATHE	KS	66062
LONGAN CONSTRUCTION COMPANY	1635 US HWY 59 N	GROVE	OK	74344
LPR CONSTRUCTION CO	1171 DES MOINES AVE	LOVELAND	CO	80537
LUNDA CONSTRUCTION CO	620 GEBHARDT RD	BLACK RIVER FAL	WI	54615
LVI ENVIRONMENTAL SERVICES	225 FENCL LANE	HILLISIDE	IL	60162
M A MORTENSON CO	700 MEADOW LN N	MINNEAPOLIS	MN	55422
MAGUIRE IRON INC	300 W WALNUT BOX 1446	SIOUX FALLS	SD	57101
MARATHON BUILDERS INC	4144 N CENTRAL #660	DALLAS	TX	75204
MARICK INC	1710 2ND AVE	DES MOINES	IA	50314
MARRS ELECTRIC INC OF ARKANSAS	701 KAWNÉER DR	SPRINGDALE	AR	72764
MARSHALL CONSTRUCTION INC	17739 CARTWRIGHT MTN RD	MOUNTAINBURG	AR	72946
MASCO CONTRACTOR SERVICE CENTRAL INC	2339 BEVILLE RD	DAYTONA BEACH	FL	32119
MASTER ELECTRIC INC	3225 AIRBASE RD	MOUNTAIN HOME	ID	83647
MCBRIDE ELECTRIC INC	3215 E 9TH N	WICHITA	KS	67208
MCCARTIN MECHANICAL CONTRACTOR INC	2999 PARKWAY DR	DECATUR	IL	62526
MCMASTER CONSTRUCTION INC	138 NE 46TH	OKLAHOMA CITY	OK	73105
MCPHERSON WRECKING INC	2333 BARTON RD	GRANTVILLE	KS	66429

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
MEADOWS CONSTRUCTION CO INC	1014 FRONT ST	TONGANOXIE	KS	66086
MERRELL BROS INC	8811 W 500 N	KOKOMO	IN	46901
METAL ROOFING SPECIALISTS INC	933 FILLMORE	FREDONIA	KS	66736
METRIC VISION	8500 CINDER BED RD STE150	NEWINGTON	VA	22122
MEYERS TURF FARMS INC	19055 METCALF	STILWELL	KS	66085
MICHAEL CONSTRUCTION CO INC	SECONDARY RT 79 BOX 143	DRY BRANCH	WV	25061
MICRO PAVERS INC	127 FAUBER RD	E PEORIA	IL	61611
MID AMERICA ROOFING CONSTRUCTION &	1035 N 69 HWY	FRONTENAC	KS	66763
MID AMERICA SERVICES INC	3981 STATE RT 3 NORTH	CHESTER	IL	62233
MID CO CONTRACTORS INC	P O BOX 391	FORT SCOTT	KS	66701
MID CONTINENTAL RESTORATION CO INC	PO BOX 429	FORT SCOTT	KS	66701
MID STATES ELECTRIC CO INC	P O BOX 156	S SIOUX CITY	NE	68776
MIDLAND WRECKING INC	15 HENNING	LENEXA	KS	66215
MIDWEST CONSTRUCTION SYSTEMS INC	100 MAIN ST STE 504	LITTLE ROCK	AR	72201
MIDWEST PUMP & EQUIPMENT CO	2300 S 7TH ST	LINCOLN	NE	68502
MIDWESTERN SERVICES INC	1913 7TH ST	SNYDER	TX	79549
MILLER THE DRILLER	5125 E UNIVERSITY	DES MOINES	IA	50317
MILLERS PRO CUT	6410 W 72ND TERR	OVERLAND PARK	KS	66204
MILLGARD CORPORATION THE	12822 STARK RD	LIVONIA	MI	48150
MILLS ELECTRICAL CONTRACTORS	2535 WALNUT HILL LN	DALLAS	TX	75229
MISSOURI VALLEY INC	4614 MCCARTY BLVD	AMARILLO	TX	79110
MJM SERVICES INC	207 N 48TH ST	BELLEVILLE	IL	62223
MORNINGSTAR CONSTRUCTION CO	8751 GODDARD	OVERLAND PARK	KS	66214
MORRISSEY CONTRACTING CO	705 SOUTHMOOR PL	GODFREY	IL	62035
MOSLEY ELECTRIC INC	POST OFFICE BOX 789	QUINCY	IL	62301
MOUNTAIN MECHANICAL CONTRACTORS INC	903 S SCHOOL	FAYETTEVILLE	AR	72701
MOWERY BACKHOE & TRENCHER SERVICE	25374 TONGANOXIE RD	LEAVENWORTH	KS	66048
MULANAX ELECTRIC INC	404 W DORCUS ST	ROLAND	OK	74954
MULTIMAX INC	1441 MCCORMICK DR	LARGO	MD	20774
MULTIPLE CONCRETE ENTERPRISES	1680 W 1000 N	LAYTON	UT	84041
MUNICIPAL PIPE TOOL COMPANY INC	515 5TH ST	HUDSON	IA	50643
MUNIE COMPANY	1000 MILBOURN SCHOOL ROAD	CASEYVILLE	IL	62232
MURPHY & SONS ROOFING	1010 NORTH 54TH ST	KANSAS CITY	KS	66102
MUSE EXCAVATION & CONSTRUCTION CO	504 S 8TH ST	ELWOOD	KS	66024
MUSTANG LINE CONTRACTORS INC	9105 N DIVISION ST STE A	SPOKANE	WA	99218
MYLES LORENTZ INC	48822 OLD RIVER BLUFF RD	ST PETER	MN	56082
NATGUN CORP	11 TEAL RD	WAKEFIELD	MA	01880
NATIONAL ABATEMENT CORPORATION	3080 N CENTER RD	FLINT	MI	48519
NATIONAL CONSTRUCTION SERVICES INC	520 LANCASTER AVE	FRAZER	PA	19355
NATIONAL STEEL ERECTORS	PO BOX 709	MUSKOGEE	OK	74402
NEBRASKA MIDWEST CONSTRUCTION COMPA	406 N 22ND ST	NEBRASKA CITY	NE	68410
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN	OKLAHOMA CITY	OK	73127

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NEW DIMENSION INC	631 E BIG BEAVER #109	TROY	MI	48083
NHC CONSTRUCTION LLC	5960 DEARBORN STE 15	MISSION	KS	66202
NO FAULT INDUSTRIES INC	11325 PENNYWOOD AVE	BATON ROUGE	LA	70809
NORMENT SECURITY GROUP INC	3224 MOBILE HWY	MONTGOMERY	AL	36108
NORTH CENTRAL BUILDERS INC	321 N BROADWAY	HARTINGTON	NE	68739
NORTH COAST 88 INC	170 EAST MAIN ST	NORWALK	OH	44857
NORTH MISSISSIPPI CONVEYOR COMPANY INC	HWY 75 LAFAYETTE CO RD370	OXFORD	MS	38655
NORTHERN CLEARING INC	1805 W MAIN ST	ASHLAND	WI	54806
NORTHLAND CONTRACTING INC	HIGHWAY 2 EAST	SHEVLIN	MN	56676
NORTHWEST ENERGY SYSTEMS INC	315 S GREGG ST	FAYETTEVILLE	AR	72701
NUTRIJECT SYSTEMS INC	515 5TH ST	HUDSON	IA	50643
O & M SERVICES INC	207 E MAIN ST	FAIRFIELD	IL	62837
ODONNELL & SONS CONSTRUCTION CO INC	15301 BROADMOOR ST	OVERLAND PARK	KS	66223
OFALLON ELECTRIC COMPANY	P O BOX 488	OFALLON	IL	62269
ONEAL ELECTRIC SERVICE INC	3073 MERRIAM LN	KANSAS CITY	KS	66106
OSTROM PAINTING & SANDBLASTING INC	1110-8TH AVE	ROCK ISLAND	IL	61201
P & P CONSTRUCTION CO	1132 E LINCOLN ST	RIVERTON	IL	62561
PARADISE FIBERGLASS POOLS INC	3115 N ILL AVE	SWANSEA	IL	62226
PBM CONCRETE INC	311 LOWELL AVE	ELK RIVER	MN	55330
PERMANENT PAVING INC	8900 INDIAN CREEK PKWY	OVERLAND PARK	KS	66210
PETERSON CONSTRUCTION	1929 W 2ND ST	WEBSTER CITY	IA	50595
PETERSON CONTRACTORS INC	104 BLACKHAWK ST	REINBECK	IA	50669
PHILLIPS & JORDAN INC	6621 WILBANKS RD	KNOXVILLE	TN	37912
PINNACLE CONSTRUCTION INC	203 N CHESTNUT ST	GLENWOOD	IA	51534
PIONEER GROUP INC	8600 JUNIPER LANE	PRAIRIE VILLAGE	KS	66207
PITTSBURG TANK & TOWER CO INC	515 PENNEL ST	HENDERSON	KY	42420
PIZZAGALLI CONSTRUCTION COMPANY	50 JOY DR	S BURLINGTON	VT	05407
PLASTOCOR INC	25 INDUSTRIAL PARK RD	HINGHAM	MA	02043
PLOWMAN CONSTRUCTION COMPANY INC	905 E PARK ST	OLATHE	KS	66061
PLUM RHINO CONSULTING LLC	1010 HUNTCLIFF STE 1350	ATLANTA	GA	30350
PNEUMATIC SYSTEMS INSTALLATION INC	10012 DARNELL	LENEXA	KS	66215
POLE MAINTENANCE CO LLC	4307 23RD ST	COLUMBUS	NE	68601
POWER OHMES CONSTRUCTION INC	33445 W 87TH CIRCLE	DE SOTO	KS	66018
PRECAST ERECTORS INC	13400 TRINITY BLVD	EULESS	TX	76040
PRECISION CASEWORK & TRIM INC	816 SE 83RD ST	OKLAHOMA CITY	OK	73149
PRECISION ELECTRICAL CONTRACTORS INC	1977 LINCOLN WAY	WHITE OAK	PA	15131
PRO QUIP CORPORATION	8522 E 61ST ST	TULSA	OK	74133
PROFORMANCE ELECTRIC INC	11201 W 59TH TER	SHAWNEE	KS	66203
PROGRESSIVE CONTRACTORS INC	14123 42ND ST NE	ST MICHAEL	MN	55376
PSF MECHANICAL INC	9322 14TH AVE SOUTH	SEATTLE	WA	98108
PULTE HOMES OF GREATER KANSAS CITY	8700 STATE LINE RD #309	LEAWOOD	KS	66206
PYRAMID CONTRACTORS INC	891 W IRONWOOD RD	OLATHE	KS	66061

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QUALITY AWNING & CONSTRUCTION CO	7937 SCHAEFER RD	DEARBORN	MI	48126
R & R ELECTRIC INC	HWY 75 N PO BOX 181	BRECKENRIDGE	MN	56520
R IZOKAITIS CONSTRUCTION INC	14817 GRANT ST	OMAHA	NE	68116
R MESSNER CONSTRUCTION CO INC	3595 N WEBB RD #500	WICHITA	KS	67226
R N HARRIS CONSTRUCTION CO	3200 HASKELL AVE STE 140	LAWRENCE	KS	66046
RANGER PLANT CONSTRUCTIONAL CO INC	5851 E US HIGHWAY 80	ABILENE	TX	79601
RCS CONSTRUCTION INC	197 OLD ST LOUIS RD	WOOD RIVER	IL	62095
RDC MANUFACTURING INC	200 LUKKEN INDUSTRIAL DR	LA GRANGE	GA	30240
REASONS CONSTRUCTION COMPANY INC	3825 EAST END DR	HUMBOLDT	TN	38343
RECOR SERVICES INC	4122 NE 185TH AVE	PORTLAND	OR	97230
REDDINGER CONSTRUCTORS INC	6301 OLD BOONVILLE HWY	EVANSVILLE	IN	47715
REDNOUR STEEL ERECTORS INC	HWY 150	CUTLER	IL	62238
RENIER CONSTRUCTION CORPORATION	2164 CITY GATE DRIVE	COLUMBUS	OH	43219
RESERV CONSTRUCTION CO INC	7101 SHARONDALE CT #200	BRENTWOOD	TN	37027
RETAIL CONSTRUCTION SERVICES INC	11343 39TH ST N	ST PAUL	MN	55042
RETAIL PLANNING & CONSTRUCTION INC	735 BIRCH AVE	BENSALEM	PA	19020
RETAIL STOREFRONT GROUP INC	419 MIAMI AVE	LEEDS	AL	35094
REVENUE SOLUTIONS INC	752 WASHINGTON ST	PEMBROKE	MA	02359
RFB CONSTRUCTION CO INC	3222 NW 160 HWY	CHEROKEE	KS	66724
RICHARD GOETTLE INC	12071 HAMILTON AVE	CINCINNATI	OH	45231
RICHARDSON CORPORATION	WATER PLANT RD	OWINGSVILLE	KY	40360
RJ PITCHER INC	4575 BUCKLEY RD	LIVERPOOL	NY	13088
RMP INC	PO BOX 16141	SHAWNEE	KS	66203
ROBERT W BRITZ PAINTING COMPANY INC	14272 FRAZEE RD	DIVERNON	IL	62530
ROBERTSON PAINTING INC	3116 S ARROWHEAD CT	INDEPENDENCE	MO	64057
ROD BUSTERS INC	624 S MISSOURI ST STE 100	INDIANAPOLIS	IN	46225
ROLLING PLAINS CONSTRUCTION INC	12153 MOLINE STR	HENDERSON	CO	80640
ROOF MAINTENANCE SERVICES INC	#8 COMMODORE DRIVE	BELLEVILLE	IL	62223
ROSE LAN CONTRACTORS INC	952 OSAGE	KANSAS CITY	KS	66105
ROYAL ELECTRIC CONSTRUCTION INC	7905 MONTICELLO RD	SHAWNEE MISSION	KS	66203
RP INDUSTRIES INC	105 REYNOLDS DR	FRANKLIN	TN	37064
RUSSELL CONSTRUCTION CO	3032 A NORTH FRAZIER ST	CONROE	TX	77303
RUSSIAN CONCRETE CONSTRUCTION	1133 S 205TH	PITTSBURG	KS	66762
RYAN FLOORS INC	305 CARL STREET	ROCKVILLE	MD	20851
S A COMUNALE CO INC	2900 NEWPARK DR	BARBERTON	OH	44203
SAGEZ CONSTRUCTION INC	HC61 BOX 17	HARDIN	IL	62047
SARGENT ELECTRIC CO	28TH ST & LIBERTY AVE	PITTSBURGH	PA	15222
SCI GENERAL CONTRACTORS INC	4530 BARKSDALE BLVD STE C	BOSSIER CITY	LA	71112
SEAWARD CONSTRUCTION COMPANY INC	RT 236	KITTERY	ME	03904
SELECTEK INC	1000 MANSELL EXCHANGE W	ALPHARETTA	GA	30022
SERRAULT SERVICES OF KANSAS INC	7625 LAKESIDE AVE	MANHATTEN	KS	66502
SERVICEMASTER DESIGN BUILD LLC	8615 FREEPORT PKWY 5-100	IRVING	TX	75063

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
SEVERN COMPANIES INC OF MARYLAND	6201 CHEVY CHASE DR	LAUREL	MD	20707
SGT LTD I	3407 TORREY RD	FLINT	MI	48507
SHAW CONTRACT FLOORING SERVICES INC	616 E WALNUT AVE	DALTON	GA	30722
SHAWNEE MISSION TREE SERVICE INC	8250 COLE PKWY	SHAWNEE MSN	KS	66227
SHAY ROOFING INC	1999 S 59TH ST	BELLEVILLE	IL	62223
SHILOH STEEL FABRICATORS INC	200 EAST HWY 264	SPRINGDALE	AR	72764
SIERRA BRAVO INC	7038 STATE HWY 154	SESSER	IL	62884
SIMBECK & ASSOCIATES INC	38256 HWY 160	MANCOS	CO	81328
SKYLIGHT MANUFACTURING INC	1208 ALDINE MAIL RD	HOUSTON	TX	77039
SLUDGE TECHNOLOGY INC	8101 W 33RD STREET S	MUSKOGEE	OK	74401
SNELL NORTHCUTT ELECTRIC INC	P O BOX 24601	LITTLE ROCK	AR	72221
SOONER BUILDERS & INVESTMENTS INC	26005 E ADMIRAL	CATOOSA	OK	74015
SPARKS & WIEWEL CONSTRUCTION CO	6200 BROADWAY	QUINCY	IL	62301
SPARROW PLUMBING & HEATING INC	313 DELAWARE	QUINCY	IL	62301
SPECIALTY CONSTRUCTORS INC	2445 ALAMO STREET SE	ALBUQUERQUE	NM	87106
SPINIELLO COMPANIES	35 AIRPORT RD	MORRISTOWN	NJ	07962
SPINIELLO LIMITED INC	35 AIRPORT RD	MORRISTOWN	NJ	07962
SPORTS METALS INC	P O BOX 1338	PHENIX CITY	AL	36868
STELLAR GROUP INC	2900 HARTLEY RD	JACKSONVILLE	FL	32257
STORY CONSTRUCTION CO	300 S BELL AVE	AMES	IA	50010
STRATEGIC INFORMATION SOLUTIONS	20 N CLARK ST STE 1650	CHICAGO	IL	60602
STRAUB CONSTRUCTION CO INC	10575 WIDMER	LENEXA	KS	66215
STRUDEL ELECTRIC INC	1375 W WALNUT ST	GIRARD	KS	66743
STUEVE CONSTRUCTION COMPANY	2201 E OAK ST	ALGONA	IA	50511
SUNCON INC	#2 TERMINAL DR STE 17A	EAST ALTON	IL	62002
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	EUNICE	LA	70535
SUPERIOR CONCRETE PRODUCTS	P O BOX 201625	ARLINGTON	TX	76006
SUPERIOR FLOORS INC	3225 N PROSPECT RD	PEORIA	IL	61603
SURFACE PREPARATION TECHNOLOGIES INC	81 TEXACO ROAD	MECHANICSBURG	PA	17055
SURVCON LAND SURVEYING AND CONSTRUCTION STAKING	3224 HWY 392 W	HARRISON	AR	72601
SW FRANKS CONSTRUCTION CO	2070 WEST 3RD ST	CLEVELAND	OH	44113
SW HUFFMAN CONSTRUCTION INC	PO BOX 99	OTTUMWA	IA	52501
SYRSTONE INC	201 S MAIN ST	NORTH SYRACUSE	NY	13212
TAFT CONTRACTING CO INC	5525 W ROOSEVELT	CICERO	IL	60804
TANCO ENGINEERING INCORPORATED	1030 BOSTON AVE	LONGMONT	CO	80501
TECH BUILDERS INC	410 DOWNTOWN PLZ	FAIRMONT	MN	56031
TEXAS COMMERCIAL FENCE INC	320 SOUTHLAND DR	BURNET	TX	78611
TEXAS STONE & TILE INC	2683 LOMBARDY LN	DALLAS	TX	75220
THIEMS CONSTRUCTION CO INC	P O BOX 386	EDWARDSVILLE	IL	62025
THOMAS L BEAR CONSTRUCTION INC	14758 202ND ST	BLOOMFIELD	IA	52537
THOMPSON ELECTRIC COMPANY OF OMAHA	P O BOX 207	SIOUX CITY	IA	51102

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TIC THE INDUSTRIAL COMPANY	40185 ROUTT COUNTY RD 129	STEAMBOAT SPRGS	CO	80477
TIDY BUILDING SERVICE OF MIDWEST	13818 PEMBROKE	LEAWOOD	KS	66224
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302
TMI COATINGS INC	2805 DODD RD	EAGAN	MN	55121
TMS DESIGN SERVICES INC	7905 L STREET STE 110	OMAHA	NE	68127
TNT CONSTRUCTION CO INC	144 EASY ST	CAROL STREAM	IL	60188
TOAN INC	5320 SPEAKER ROAD	KANSAS CITY	KS	66106
TONTO CONSTRUCTION INC	HWY 16 W 78TH ST	MUSKOGEE	OK	74401
TRAC WORK INC	303 W KNOX	ENNIS	TX	75119
TRAYLOR BROS INC	835 N CONGRESS AVE	EVANSVILLE	IN	47715
TRI STATE BUILDING SUPPLY CO INC	N HWY 69	PITTSBURG	KS	66762
TRI STATE PAVING INC	STATE LINE RD	PICHER	OK	74360
TRI STATE SIGNING	509 BAILEY AVE	NEW HAMPTON	IA	50659
TRIGON ENGINEERING INC	475 17TH ST STE 300	DENVER	CO	80202
TSC OF KANSAS INC	2200 W 75TH ST STE 15	PRAIRIE VILLAGE	KS	66208
TULSA DYNASpan INC	1601 E HOUSTON ST	BROKEN ARROW	OK	74012
TWEEDY CONTRACTORS INC	CORNER OF PYBURN & HOELSC	POCAHONTAS	AR	72455
TWIN CITY POOLS INC	948 KANSAS AVE	KANSAS CITY	KS	66105
U NEEK EXPO	7045 TROY HILL DR #300	ELDRIDGE	MD	21075
UNITED EXCEL CORPORATION	8041 W 47 ST STE 100	OVERLAND PARK	KS	66204
UNIVERSAL CONTRACTING CO	1207 LUCAS	BURLINGTON	IA	52601
UNIVERSAL LIMITED INC	932 ALTON PARKWAY	BIRMINGHAM	AL	35210
VAUGHN ELECTRIC CO INC	313 E FLORIDA AVE	UNION CITY	TN	38261
VFP FIRE SYSTEMS INC	825 CORPORATE WOODS PKWY	VERNON HILLS	IL	60061
VINTAGE SPORTS CARDS INC	410 S TRADE CNTR PKWY #A8	CONROE	TX	77385
VOLTEK INC	8807 W 89TH ST	OVERLAND PARK	KS	66212
VON ALST INC	2416 SMELTING WORKS RD	SWANSEA	IL	62226
VON ROLL INC	3080 NORTHWOODS CIR STE 2	NORCROSS	GA	30071
W G YATES & SONS CONSTRUCTION COMPA	104 GULLY AVENUE	PHILADELPHIA	MS	39350
WACHTER ELECTRIC COMPANY	16001 W 99TH ST	LENEXA	KS	66219
WADE & ASSOCIATES INC	2500 W 6TH ST STE E	LAWRENCE	KS	66049
WALKER CONSTRUCTION CO INC	HWY 50 TO KAHOLA LAKE RD	EMPORIA	KS	66801
WALT WAGNER CONSTRUCTION INC	305 S 5TH ST	LEAVENWORTH	KS	66048
WALTER CONSTRUCTION USA INC	441 SW 41ST ST	RENTON	WA	98055
WALTERS EXCAVATING	24060 K 68 HWY	PAOLA	KS	66071
WASATCH ELECTRIC A DIVISION OF DYNA	1420 SPRING HILL RD SE500	MCLEAN	VA	22102
WEATHERCRAFT COMPANY OF GRAND ISLAND	312 NORTH ELM STREET	GRAND ISLAND	NE	68801
WEATHERCRAFT COMPANY OF LINCOLN	545 J ST	LINCOLN	NE	68508
WEBB ELECTRIC COMPANY	34375 W 12 MILE RD	FARMINGTON HILL	MI	48331
WEBER AIR CONDITIONING CO INC	2501 CONE DR	TARRANT	AL	35217
WEITZ COMPANY LLC THE	400 LOCUST STE 300	DES MOINES	IA	50309
WELLS & WEST INC	VALLEY VILLAGE SHOPPING C	MURPHY	NC	28906

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WELSH COMPANIES	8200 NORMANDALE BLVD #200	MINNEAPOLIS	MN	55437
WESSELS CONSTRUCTION CO INC	1800 DES PLAINES AVE	FOREST PARK	IL	61030
WEST SIDE MECHANICAL INC	P O BOX 11247	KANSAS CITY	KS	66111
WESTERN INDUSTRIAL CONTRACTORS INC	5301 JOLIET ST	DENVER	CO	80239
WESTERN SUMMIT CONSTRUCTORS INC	5470 VALLEY HWY	DENVER	CO	80216
WESTWOOD CONTRACTORS INC	777 MAIN STR #950	FORT WORTH	TX	76102
WHITE MOUNTAIN CABLE CONSTRUCTION C	OLD DOVER RD	EPSOM	NH	03234
WHITING TURNER CONTRACTING CO THE	300 E JOPPA RD	BALTIMORE	MD	21286
WILLIAMS ELECTRIC CO INC	695 DENTON BLVD	FORT WALTON BEA	FL	32547
WOODS CONSTRUCTION INC	34650 KLEIN	FRASER	MI	48026
WOODWORKERS OF DENVER INC	1475 S ACOMA ST	DENVER	CO	80223
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211
WS BOWLWARE CONSTRUCTION INC	3140 W BRITTON RD STE 204	OKLAHOMA CITY	OK	73120
YAZAKI EDS ENGINEERING INC	6800 HAGGERTY RD	CANTON	MI	48187
ZIMMERMAN CONSTRUCTION COMPANY INC	11005 W 126TH ST	OVERLAND PARK	KS	66213

Updated: 1/21/2003 8:07:01 AM

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript. Also you may submit e-mail at: dissolutions@sosmail.state.mo.us

NOTICE OF DISSOLUTION OF LIMITED PARTNERSHIP

TO ALL CREDITORS OF AND CLAIMANTS AGAINST CHARLES E. STIVER INVESTMENT PARTNERSHIP, L.P.

On November 13, 2002, CHARLES E. STIVER INVESTMENT PARTNERSHIP, L.P., a Missouri limited partnership, (hereinafter the "Partnership") filed its Certificate of Cancellation of Limited Partnership with the Missouri Secretary of State, effective on December 1, 2002.

Any claims against the Partnership may be sent to: Ms. Sharon B. Stiver, 656 Marshal Avenue, St. Louis, MO 63119. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

All claims against the Partnership will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY

TO ALL CREDITORS OF AND CLAIMANTS AGAINST STIVER MANAGEMENT, L.L.C.

On December 5, 2002, STIVER MANAGEMENT, L.L.C., a Missouri limited liability company, (hereinafter the "Company") filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State, effective on December 9, 2002.

Any claims against the Company may be sent to: Ms. Sharon B. Stiver, 656 Marshal Avenue, St. Louis, MO 63119. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST **Glasgow Village Investors, L.L.C.**, a Missouri Limited Liability Company.

On January 29, 2003, **Glasgow Village Investors, L.L.C.**, a Missouri Limited Liability Company, filed its notice of winding up with the Missouri Secretary of State.

Dissolution was effective on January 29, 2003.

Said limited liability company requests that all persons and organizations with claims against it present them immediately by letter to the limited liability company at:

Glasgow Village Investors, L.L.C.
Attn: Bruce V. Michelson
7701 Forsyth Blvd., Suite 900
St. Louis, MO 63105

All claims must include: the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of **Glasgow Village Investors, L.L.C.**, any claims against it will be barred unless proceeding to enforce the claim is commenced within three years after the publication date of the notice authorized by statute.

Notice is given that Corrigan Building Corporation, a Missouri corporation, with its registered office at 1220 Washington Street, Third Floor, Kansas City, Missouri 64105, has been dissolved as of December 5, 2002, pursuant to the provisions of The General and Business Corporation Law of Missouri. Corrigan Building Corporation requests that persons with claims against the corporation present the claims in accordance with the Missouri general corporate code. Any claim must include the name of the claimant, the claimant's mailing address and information describing the claim with specificity. The claim must be sent to Corrigan Building Corporation, care of James C. Lieber, Jr., Mitchell, Kristl & Lieber, 1220 Washington Street, Third Floor, Kansas City, Missouri 64105. Any claim against Corrigan Building Corporation, not otherwise barred, will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of publication of this notice

Notice of Winding Up for Limited Liability Company

(Submit in duplicate with filing fee of \$25)

1. The name of the limited liability company is:
R & P Investment Properties, L. L. C.
2. The articles of organization for the limited liability company were filed on the following date: April 7, 1998
Month/Day/Year
3. Persons with claims against the limited liability company should present them in accordance with the following procedure:
 - A) In order to file a claim with the limited liability company, you must furnish the following:
 - i) Amount of the claim
 - ii) Basis for the claim
 - iii) Documentation of the claim
 - B) The claim must be mailed to:
Scott A. Robbins
Name
P.O. Box 696, 1165 Cherry Street
Street Address
Poplar Bluff, MO 63902
City/State/Zip
4. A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the notice.

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids will be received by the Division of Purchasing, Room 630, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us.

B1E03202 Grocery Items: Pears 3/3/03
B3E03159 Medical Laboratory Services 3/3/03
B3E03165 Wet Trash Collection 3/3/03
B1Z03199 Grocery: 4th Qtr. April thru June 3/3/03
B1E03203 Meats, Poultry 3/4/03
B2E03036 Kodak Scanner Maintenance 3/4/03
B2E03039 Imaging Scanner Maintenance 3/4/03
B2Z03025 Radio System: Equipment, Installation, Training & Maintenance 3/4/03
B1E03204 Surveillance Equipment 3/7/03
B3E03149 Electrical Services-State Fair 3/7/03
B3Z03179 Laboratory Testing Services 3/10/03
B1E03208 Agricultural Equipment: Attachments 3/11/03
B1E03209 Trailers 3/11/03
B2Z03019 Telecommunications Relay Services & Captioned Telephone Services 3/11/03
B3Z03110 Youth Residential Treatment Services 3/11/03
B1E03207 Staining Products & Supplies 3/12/03
B1E03211 Advertising Items: Pencils & Magnets 3/12/03
B1E03173 Automatic External Defibrillators 3/13/03
B1E03198 Heavy Equipment 3/13/03
B3Z03068 Missouri Universal Service Fund Administrator 3/13/03
B1E03210 Crawler Dozer 3/17/03
B1E03215 Crawler Dozer 3/17/03
B2Z03035 Food Services Mgmt. System (FSMS) 3/20/03
B3E03148 Trash Services 3/20/03
B3E03163 Cafeteria Vending Services 3/20/03
B3E03131 Janitorial Services-505 Washington Ave. 3/21/03
B3Z03183 Emergency Operations Plan-State 3/21/03
B2Z03012 Food Management Software 3/24/03
B2Z03033 Digital Video Recorder (Facility Cameras) 3/26/03

It is the intent of the State of Missouri, Division of Purchasing to purchase each of the following as a single feasible source without competitive bids. If suppliers exist other than the ones identified, please call (573) 751-2387 immediately.

Booklets, bulk purchase, customized for the Department of Public Safety, supplied by Channing L. Bete Co.

Maintenance of a Caterpillar Generator Model 500 KW and a Caterpillar Engine Model 3412, supplied by Caterpillar, Inc.

AutoTrack XP Software, supplied by ChoicePoint Business and Government Services.

PE Reagents, supplied by PerkinElmer Life Sciences.

James Miluski, CPPO,
Director of Purchasing

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—26 (2001), 27 (2002) and 28 (2003). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724
1 CSR 15-3.200	Administrative Hearing Commission	27 MoReg 2259	27 MoReg 2266		
1 CSR 20-1.040	Personnel Advisory Board and Division of Personnel		27 MoReg 1861	28 MoReg 339	
1 CSR 20-2.015	Personnel Advisory Board and Division of Personnel	28 MoReg 103	28 MoReg 128 28 MoReg 225	28 MoReg 236T	
1 CSR 20-4.020	Personnel Advisory Board and Division of Personnel		27 MoReg 1861	28 MoReg 339	
1 CSR 20-5.010	Personnel Advisory Board and Division of Personnel		27 MoReg 1865	28 MoReg 339	
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel	27 MoReg 847	27 MoReg 1865	28 MoReg 339	
1 CSR 40-1.090	Purchasing and Materials Management		27 MoReg 1107 28 MoReg 8		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.010	Animal Health		This Issue		
2 CSR 30-2.020	Animal Health		This Issue		
2 CSR 30-2.040	Animal Health		This Issue		
2 CSR 30-6.020	Animal Health		This Issue		
2 CSR 70-16.010	Plant Industries		28 MoReg 308		
2 CSR 70-16.015	Plant Industries		28 MoReg 308		
2 CSR 70-16.020	Plant Industries		28 MoReg 309		
2 CSR 70-16.025	Plant Industries		28 MoReg 309		
2 CSR 70-16.030	Plant Industries		28 MoReg 312		
2 CSR 70-16.035	Plant Industries		28 MoReg 314		
2 CSR 70-16.040	Plant Industries		28 MoReg 314		
2 CSR 70-16.045	Plant Industries		28 MoReg 314		
2 CSR 70-16.050	Plant Industries		28 MoReg 315		
2 CSR 70-16.055	Plant Industries		28 MoReg 315		
2 CSR 70-16.060	Plant Industries		28 MoReg 316		
2 CSR 70-16.065	Plant Industries		28 MoReg 318		
2 CSR 70-16.070	Plant Industries		28 MoReg 318		
2 CSR 70-16.075	Plant Industries		28 MoReg 318		
2 CSR 70-40.015	Plant Industries		27 MoReg 1561R 27 MoReg 1561	28 MoReg 340R 28 MoReg 340	
2 CSR 70-40.025	Plant Industries		27 MoReg 1562R 27 MoReg 1563	28 MoReg 341R 28 MoReg 342	
2 CSR 70-40.040	Plant Industries		27 MoReg 1563R 27 MoReg 1563	28 MoReg 343R 28 MoReg 343	
2 CSR 70-40.045	Plant Industries		27 MoReg 1564	28 MoReg 343W	
2 CSR 90-10.040	Weights and Measures		27 MoReg 1161		
2 CSR 90-20.040	Weights and Measures	27 MoReg 1559	27 MoReg 1564	28 MoReg 49	
2 CSR 90-22.140	Weights and Measures		27 MoReg 1868	28 MoReg 236	
2 CSR 90-23.010	Weights and Measures		27 MoReg 1868	28 MoReg 236	
2 CSR 90-25.010	Weights and Measures		27 MoReg 1869	28 MoReg 236	
2 CSR 90-30.040	Weights and Measures	27 MoReg 1559	27 MoReg 1565	28 MoReg 49	
2 CSR 90-30.050	Weights and Measures		27 MoReg 1565		
2 CSR 90-36.010	Weights and Measures		27 MoReg 2053R 27 MoReg 2053		
2 CSR 90-36.020	Weights and Measures		27 MoReg 2058R		
2 CSR 110-1.010	Office of the Director	27 MoReg 1439	27 MoReg 1443	28 MoReg 168	
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		28 MoReg 8		
3 CSR 10-4.130	Conservation Commission		27 MoReg 971	27 MoReg 1478F	
3 CSR 10-4.141	Conservation Commission		27 MoReg 972	27 MoReg 1478F	
3 CSR 10-5.205	Conservation Commission		27 MoReg 972	27 MoReg 1478F	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-5.215	Conservation Commission		27 MoReg 973	27 MoReg 1478F	
3 CSR 10-5.225	Conservation Commission		27 MoReg 973	27 MoReg 1478F	
3 CSR 10-5.351	Conservation Commission		27 MoReg 1186	27 MoReg 1997F	
3 CSR 10-5.359	Conservation Commission		27 MoReg 1188	27 MoReg 1997F	
3 CSR 10-5.360	Conservation Commission		27 MoReg 1190	27 MoReg 1998F	
3 CSR 10-5.420	Conservation Commission		28 MoReg 344		
3 CSR 10-5.460	Conservation Commission		27 MoReg 974	27 MoReg 1479F	
3 CSR 10-5.465	Conservation Commission		27 MoReg 975	27 MoReg 1479F	
3 CSR 10-6.410	Conservation Commission		27 MoReg 978	27 MoReg 1481F	
3 CSR 10-6.415	Conservation Commission		27 MoReg 978	27 MoReg 1481F	
3 CSR 10-6.505	Conservation Commission		27 MoReg 1444	27 MoReg 2086F	
3 CSR 10-6.540	Conservation Commission		27 MoReg 979	27 MoReg 1482F	
3 CSR 10-6.550	Conservation Commission		27 MoReg 979	27 MoReg 1482F	
3 CSR 10-6.605	Conservation Commission		27 MoReg 979	27 MoReg 1482F	
3 CSR 10-7.410	Conservation Commission		27 MoReg 980	27 MoReg 1482F	
3 CSR 10-7.455	Conservation Commission		27 MoReg 980	27 MoReg 1482F	28 MoReg 55
			This Issue		
3 CSR 10-8.510	Conservation Commission		27 MoReg 981	27 MoReg 1482F	27 MoReg 1902
3 CSR 10-8.515	Conservation Commission		27 MoReg 981	27 MoReg 1483F	
3 CSR 10-9.106	Conservation Commission		27 MoReg 982	27 MoReg 1483F	
3 CSR 10-9.110	Conservation Commission		27 MoReg 982	27 MoReg 1483F	
			This Issue		
3 CSR 10-9.220	Conservation Commission		27 MoReg 983	27 MoReg 1483F	
3 CSR 10-9.230	Conservation Commission		28 MoReg 225		
3 CSR 10-9.351	Conservation Commission		27 MoReg 986	27 MoReg 1483F	
3 CSR 10-9.353	Conservation Commission		27 MoReg 986	27 MoReg 1483F	
		27 MoReg 1441	27 MoReg 1445	28 MoReg 236	
		27 MoReg 1441T			
3 CSR 10-9.359	Conservation Commission		27 MoReg 986	27 MoReg 1484F	
3 CSR 10-9.560	Conservation Commission		27 MoReg 987	27 MoReg 1484F	
3 CSR 10-9.565	Conservation Commission	27 MoReg 1441	27 MoReg 1448	28 MoReg 241	
		27 MoReg 1441T	This Issue		
3 CSR 10-9.566	Conservation Commission		27 MoReg 1765	27 MoReg 2303F	
3 CSR 10-9.570	Conservation Commission		27 MoReg 988	27 MoReg 1484F	
3 CSR 10-9.575	Conservation Commission		27 MoReg 988	27 MoReg 1484F	
3 CSR 10-9.627	Conservation Commission		27 MoReg 1766	27 MoReg 2303F	
3 CSR 10-9.628	Conservation Commission		27 MoReg 1766	27 MoReg 2303F	
3 CSR 10-9.630	Conservation Commission		27 MoReg 989R	27 MoReg 1485F	
3 CSR 10-9.645	Conservation Commission		27 MoReg 989	27 MoReg 1485F	
3 CSR 10-10.743	Conservation Commission		27 MoReg 990	27 MoReg 1485F	
3 CSR 10-11.145	Conservation Commission		27 MoReg 991	27 MoReg 1486F	
3 CSR 10-11.155	Conservation Commission		27 MoReg 992	27 MoReg 1486F	
3 CSR 10-11.160	Conservation Commission		27 MoReg 992	27 MoReg 1486F	
3 CSR 10-11.165	Conservation Commission		27 MoReg 993	27 MoReg 1486F	
3 CSR 10-11.182	Conservation Commission		27 MoReg 1452	27 MoReg 2086F	
3 CSR 10-11.186	Conservation Commission		27 MoReg 995	27 MoReg 1487F	
			This Issue		
3 CSR 10-11.205	Conservation Commission		27 MoReg 996	27 MoReg 1487F	
			This Issue		
3 CSR 10-11.210	Conservation Commission		27 MoReg 996	27 MoReg 1487F	
			This Issue		
3 CSR 10-11.215	Conservation Commission		27 MoReg 997	27 MoReg 1487F	
3 CSR 10-12.110	Conservation Commission		27 MoReg 998	27 MoReg 1488F	
3 CSR 10-12.135	Conservation Commission		27 MoReg 1453	27 MoReg 2086F	
3 CSR 10-12.140	Conservation Commission		27 MoReg 1453	27 MoReg 2086F	
3 CSR 10-12.145	Conservation Commission		27 MoReg 1454	27 MoReg 2087F	
3 CSR 10-20.805	Conservation Commission		27 MoReg 1937	28 MoReg 168	

DEPARTMENT OF ECONOMIC DEVELOPMENT

4 CSR 10-2.022	Missouri State Board of Accountancy		27 MoReg 2266		
4 CSR 30-3.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2127		
4 CSR 30-3.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2127		
4 CSR 30-4.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2128		
4 CSR 30-4.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2128R		
4 CSR 30 4.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 128		
4 CSR 30-4.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2129		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-5.140	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2132		
4 CSR 30-5.150	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2135		
4 CSR 30-9.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2135R		
4 CSR 30-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2135		
4 CSR 30-11.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2139		
4 CSR 30-11.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 131		
4 CSR 30-12.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2144		
4 CSR 30-13.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2145		
4 CSR 30-15.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2145R		
4 CSR 90-13.010	State Board of Cosmetology		28 MoReg 135		
4 CSR 90-13.050	State Board of Cosmetology		28 MoReg 137		
4 CSR 100	Division of Credit Unions				28 MoReg 55 28 MoReg 190 28 MoReg 103 28 MoReg 361
4 CSR 100-2.005	Division of Credit Unions		27 MoReg 1768	28 MoReg 169	
4 CSR 140-2.055	Division of Finance		28 MoReg 319		
4 CSR 140-2.140	Division of Finance		28 MoReg 320		
4 CSR 140-11.010	Division of Finance		28 MoReg 320R		
4 CSR 140-11.020	Division of Finance		28 MoReg 320R		
4 CSR 140-11.030	Division of Finance		28 MoReg 321		
4 CSR 140-11.040	Division of Finance		28 MoReg 322		
4 CSR 150-2.150	State Board of Registration for the Healing Arts		27 MoReg 2267		
4 CSR 150-3.200	State Board of Registration for the Healing Arts		27 MoReg 2267		
4 CSR 150-3.210	State Board of Registration for the Healing Arts		27 MoReg 1565	28 MoReg 49	
4 CSR 150-4.220	State Board of Registration for the Healing Arts		27 MoReg 1568	28 MoReg 49	
4 CSR 150-5.100	State Board of Registration for the Healing Arts		27 MoReg 2146		
4 CSR 150-6.080	State Board of Registration for the Healing Arts		27 MoReg 1570	28 MoReg 50	
4 CSR 150-7.320	State Board of Registration for the Healing Arts		27 MoReg 1572	28 MoReg 50	
4 CSR 150-8.140	State Board of Registration for the Healing Arts		28 MoReg 139		
4 CSR 150-8.150	State Board of Registration for the Healing Arts		27 MoReg 1574	28 MoReg 50	
4 CSR 196-1.010	Landscape Architectural Council		27 MoReg 2146R		
4 CSR 196-1.020	Landscape Architectural Council		27 MoReg 2147R		
4 CSR 196-2.020	Landscape Architectural Council		27 MoReg 2147R		
4 CSR 196-2.030	Landscape Architectural Council		27 MoReg 2147R		
4 CSR 196-2.040	Landscape Architectural Council		27 MoReg 2148R		
4 CSR 196-3.010	Landscape Architectural Council		27 MoReg 2148R		
4 CSR 196-4.010	Landscape Architectural Council		27 MoReg 2148R		
4 CSR 196-5.010	Landscape Architectural Council		27 MoReg 2148R		
4 CSR 196-6.010	Landscape Architectural Council		27 MoReg 2149R		
4 CSR 196-7.010	Landscape Architectural Council		27 MoReg 2149R		
4 CSR 196-9.010	Landscape Architectural Council		27 MoReg 2149R		
4 CSR 196-10.010	Landscape Architectural Council		27 MoReg 2150R		
4 CSR 196-11.010	Landscape Architectural Council		27 MoReg 2150R		
4 CSR 196-12.010	Landscape Architectural Council		27 MoReg 2150R		
4 CSR 200-4.200	State Board of Nursing		27 MoReg 2150		
4 CSR 205-3.030	Missouri Board of Occupational Therapy		27 MoReg 2151		
4 CSR 205-3.040	Missouri Board of Occupational Therapy		27 MoReg 2152		
4 CSR 205-3.050	Missouri Board of Occupational Therapy		27 MoReg 2152		
4 CSR 205-3.060	Missouri Board of Occupational Therapy		27 MoReg 2152		
4 CSR 205-4.010	Missouri Board of Occupational Therapy		27 MoReg 2153		
4 CSR 205-5.010	Missouri Board of Occupational Therapy		27 MoReg 2153		
4 CSR 220-2.020	State Board of Pharmacy		28 MoReg 9		
4 CSR 220-2.030	State Board of Pharmacy		27 MoReg 2268		
4 CSR 220-2.130	State Board of Pharmacy		This Issue		
4 CSR 220-2.190	State Board of Pharmacy		27 MoReg 2268		
4 CSR 220-2.200	State Board of Pharmacy		28 MoReg 10R 28 MoReg 10		
4 CSR 220-2.400	State Board of Pharmacy		28 MoReg 20		
4 CSR 220-2.650	State Board of Pharmacy		28 MoReg 21		
4 CSR 220-2.700	State Board of Pharmacy		27 MoReg 2268		
4 CSR 230-2.070	State Board of Podiatric Medicine		28 MoReg 139		
4 CSR 232-3.010	Missouri State Committee of Interpreters		27 MoReg 2269		
4 CSR 240-2.060	Public Service Commission		27 MoReg 1576	This Issue	
4 CSR 240-2.200	Public Service Commission		27 MoReg 1578R	This IssueR	

[illegible]

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-3.620	Public Service Commission		27 MoReg 1634	This Issue	
4 CSR 240-3.625	Public Service Commission		27 MoReg 1634	This Issue	
4 CSR 240-3.630	Public Service Commission		27 MoReg 1635	This Issue	
4 CSR 240-3.635	Public Service Commission		27 MoReg 1636	This Issue	
4 CSR 240-3.640	Public Service Commission		27 MoReg 1636	This Issue	
4 CSR 240-3.645	Public Service Commission		27 MoReg 1637	This Issue	
4 CSR 240-10.070	Public Service Commission		27 MoReg 1638R	This IssueR	
4 CSR 240-10.080	Public Service Commission		27 MoReg 1638R	This IssueR	
4 CSR 240-13.055	Public Service Commission	26 MoReg 2259	27 MoReg 1639	This Issue	
4 CSR 240-14.040	Public Service Commission		27 MoReg 1639R	This IssueR	
4 CSR 240-20.010	Public Service Commission		27 MoReg 1640R	This IssueR	
4 CSR 240-20.030	Public Service Commission		27 MoReg 1640	This Issue	
4 CSR 240-20.060	Public Service Commission		27 MoReg 1641	This Issue	
4 CSR 240-20.070	Public Service Commission		27 MoReg 1644	This Issue	
4 CSR 240-20.080	Public Service Commission		27 MoReg 1646R	This IssueR	
4 CSR 240-21.010	Public Service Commission		27 MoReg 1646R	This IssueR	
4 CSR 240-30.010	Public Service Commission		27 MoReg 1646R	This IssueR	
4 CSR 240-31.010	Public Service Commission		27 MoReg 2159		
4 CSR 240-31.050	Public Service Commission		27 MoReg 2160		
4 CSR 240-31.060	Public Service Commission		27 MoReg 2163		
4 CSR 240-31.065	Public Service Commission		27 MoReg 2166		
4 CSR 240-32.030	Public Service Commission		27 MoReg 1647R	This IssueR	
4 CSR 240-33.060	Public Service Commission		27 MoReg 1647	This Issue	
4 CSR 240-33.070	Public Service Commission		27 MoReg 2169		
4 CSR 240-40.010	Public Service Commission		27 MoReg 1648R	This IssueR	
4 CSR 240-40.040	Public Service Commission		27 MoReg 1648	This Issue	
4 CSR 240-45.010	Public Service Commission		27 MoReg 1649R	This IssueR	
4 CSR 240-50.010	Public Service Commission		27 MoReg 1650R	This IssueR	
4 CSR 240-51.010	Public Service Commission		27 MoReg 1650R	This IssueR	
4 CSR 240-60.030	Public Service Commission		27 MoReg 1650R	This IssueR	
4 CSR 240-80.010	Public Service Commission		27 MoReg 1651R	This IssueR	
4 CSR 240-80.020	Public Service Commission		27 MoReg 1651	This Issue	
4 CSR 240-120.140	Public Service Commission	28 MoReg 287			
4 CSR 240-123.030	Public Service Commission	28 MoReg 288			
4 CSR 263-1.010	State Committee for Social Workers		27 MoReg 2169		
4 CSR 263-1.015	State Committee for Social Workers		27 MoReg 2170		
4 CSR 263-1.025	State Committee for Social Workers		27 MoReg 2170		
4 CSR 263-1.035	State Committee for Social Workers		27 MoReg 2170		
4 CSR 263-2.020	State Committee for Social Workers		27 MoReg 2171		
4 CSR 263-2.022	State Committee for Social Workers		27 MoReg 2171		
4 CSR 263-2.030	State Committee for Social Workers		27 MoReg 2171		
4 CSR 263-2.031	State Committee for Social Workers		27 MoReg 2172		
4 CSR 263-2.032	State Committee for Social Workers		27 MoReg 2173		
4 CSR 263-2.045	State Committee for Social Workers		27 MoReg 2174		
4 CSR 263-2.047	State Committee for Social Workers		27 MoReg 2174		
4 CSR 263-2.050	State Committee for Social Workers		27 MoReg 2178		
4 CSR 263-2.052	State Committee for Social Workers		27 MoReg 2178		
4 CSR 263-2.060	State Committee for Social Workers		27 MoReg 2182		
4 CSR 263-2.062	State Committee for Social Workers		27 MoReg 2182		
4 CSR 263-2.070	State Committee for Social Workers		27 MoReg 2186		
4 CSR 263-2.072	State Committee for Social Workers		27 MoReg 2186		
4 CSR 263-2.075	State Committee for Social Workers		27 MoReg 2186		
4 CSR 265-2.070	Division of Motor Carrier and Railroad Safety	27 MoReg 2259	27 MoReg 2269		
4 CSR 265-2.080	Division of Motor Carrier and Railroad Safety	27 MoReg 2260	27 MoReg 2270		
4 CSR 265-2.085	Division of Motor Carrier and Railroad Safety	27 MoReg 2260	27 MoReg 2270		
4 CSR 265-2.090	Division of Motor Carrier and Railroad Safety	27 MoReg 2260	27 MoReg 2270		
4 CSR 265-2.100	Division of Motor Carrier and Railroad Safety	27 MoReg 2261	27 MoReg 2271		
4 CSR 265-2.110	Division of Motor Carrier and Railroad Safety	27 MoReg 2261	27 MoReg 2271		
4 CSR 265-2.115	Division of Motor Carrier and Railroad Safety	27 MoReg 2262	27 MoReg 2271		
4 CSR 265-2.116	Division of Motor Carrier and Railroad Safety	27 MoReg 2262	27 MoReg 2272		
4 CSR 265-2.120	Division of Motor Carrier and Railroad Safety	27 MoReg 2262	27 MoReg 2272		
4 CSR 265-2.130	Division of Motor Carrier and Railroad Safety	27 MoReg 2263	27 MoReg 2272		

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4 CSR 265-2.140	Division of Motor Carrier and Railroad Safety	27 MoReg 2263	27 MoReg 2273		
4 CSR 265-2.150	Division of Motor Carrier and Railroad Safety	27 MoReg 2263	27 MoReg 2273		
4 CSR 265-4.010	Division of Motor Carrier and Railroad Safety	27 MoReg 2264	27 MoReg 2273		
4 CSR 265-4.020	Division of Motor Carrier and Railroad Safety	27 MoReg 2264	27 MoReg 2274		
4 CSR 267-1.010	Office of Tattooing, Body Piercing and Branding		27 MoReg 1652	28 MoReg 50	
4 CSR 267-1.020	Office of Tattooing, Body Piercing and Branding		27 MoReg 1653	28 MoReg 50	
4 CSR 267-1.030	Office of Tattooing, Body Piercing and Branding		27 MoReg 1657	28 MoReg 51	
4 CSR 267-2.010	Office of Tattooing, Body Piercing and Branding		27 MoReg 1660	28 MoReg 51	
4 CSR 267-2.020	Office of Tattooing, Body Piercing and Branding		27 MoReg 1664	28 MoReg 51	
4 CSR 267-2.030	Office of Tattooing, Body Piercing and Branding		27 MoReg 1664	28 MoReg 51	
4 CSR 267-3.010	Office of Tattooing, Body Piercing and Branding		27 MoReg 1668	28 MoReg 51	
4 CSR 267-4.010	Office of Tattooing, Body Piercing and Branding		27 MoReg 1670	28 MoReg 52	
4 CSR 267-5.010	Office of Tattooing, Body Piercing and Branding		27 MoReg 1673	28 MoReg 52	
4 CSR 267-5.020	Office of Tattooing, Body Piercing and Branding		27 MoReg 1676	28 MoReg 52	
4 CSR 267-5.030	Office of Tattooing, Body Piercing and Branding		27 MoReg 1678	28 MoReg 52	
4 CSR 267-5.040	Office of Tattooing, Body Piercing and Branding		27 MoReg 1681	28 MoReg 52	
4 CSR 267-6.010	Office of Tattooing, Body Piercing and Branding		27 MoReg 1683	28 MoReg 53	
4 CSR 267-6.020	Office of Tattooing, Body Piercing and Branding		27 MoReg 1685	28 MoReg 53	
4 CSR 267-6.030	Office of Tattooing, Body Piercing and Branding		27 MoReg 1687	28 MoReg 53	
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 30-4.010	Division of Administrative and Financial Services		28 MoReg 322R		
5 CSR 30-4.030	Division of Administrative and Financial Services		27 MoReg 1937R	28 MoReg 344R	
			27 MoReg 1938	28 MoReg 344	
5 CSR 30-660.070	Division of Administrative and Financial Services		27 MoReg 2191		
5 CSR 50-270.010	Division of School Improvement		27 MoReg 2191		
5 CSR 50-340.150	Division of School Improvement		27 MoReg 2193		
5 CSR 50-355.100	Division of School Improvement		28 MoReg 323		
5 CSR 50-380.020	Division of School Improvement		27 MoReg 2196		
5 CSR 60-100.020	Vocational and Adult Education		27 MoReg 1941		
5 CSR 60-480.100	Vocational and Adult Education		27 MoReg 1943R		
			27 MoReg 1943		
5 CSR 60-900.050	Vocational and Adult Education		27 MoReg 1947		
5 CSR 80-800.200	Teacher Quality and Urban Education		27 MoReg 1689	28 MoReg 344	
5 CSR 80-800.220	Teacher Quality and Urban Education		27 MoReg 1690	28 MoReg 345	
5 CSR 80-800.230	Teacher Quality and Urban Education		27 MoReg 1691	28 MoReg 345	
5 CSR 80-800.260	Teacher Quality and Urban Education		27 MoReg 1693	28 MoReg 347	
5 CSR 80-800.270	Teacher Quality and Urban Education		27 MoReg 1695	28 MoReg 349	
5 CSR 80-800.280	Teacher Quality and Urban Education		27 MoReg 1696	28 MoReg 349	
5 CSR 80-800.300	Teacher Quality and Urban Education		27 MoReg 1696	28 MoReg 349	
5 CSR 80-800.350	Teacher Quality and Urban Education		27 MoReg 1698	28 MoReg 350	
5 CSR 80-800.360	Teacher Quality and Urban Education		27 MoReg 1702	28 MoReg 350	
5 CSR 80-800.370	Teacher Quality and Urban Education		27 MoReg 1703	28 MoReg 351	This Issue
5 CSR 80-800.380	Teacher Quality and Urban Education		27 MoReg 1768	28 MoReg 351	27 MoReg 2017
5 CSR 80-805.015	Teacher Quality and Urban Education		27 MoReg 1950		
5 CSR 80-805.040	Teacher Quality and Urban Education		27 MoReg 1950		
5 CSR 80-850.045	Teacher Quality and Urban Education		27 MoReg 2198		
5 CSR 90-4.300	Vocational Rehabilitation		27 MoReg 1703	28 MoReg 354	
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-3.010	Missouri Highways and Transportation Commission		27 MoReg 2058		
7 CSR 10-3.040	Missouri Highways and Transportation Commission		27 MoReg 2063		
7 CSR 10-10.010	Missouri Highways and Transportation Commission		28 MoReg 21		
7 CSR 10-10.030	Missouri Highways and Transportation Commission		28 MoReg 23		
7 CSR 10-10.040	Missouri Highways and Transportation Commission		28 MoReg 23		
7 CSR 10-10.050	Missouri Highways and Transportation Commission		28 MoReg 24		
7 CSR 10-10.060	Missouri Highways and Transportation Commission		28 MoReg 24		
7 CSR 10-10.070	Missouri Highways and Transportation Commission		28 MoReg 25		
7 CSR 10-10.080	Missouri Highways and Transportation Commission		28 MoReg 26		
7 CSR 10-10.090	Missouri Highways and Transportation Commission		28 MoReg 26		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 20-3.030	Labor and Industrial Relations Commission		28 MoReg 325		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.200	Director, Department of Mental Health	27 MoReg 1858T			
9 CSR 10-7.020	Director, Department of Mental Health		27 MoReg 1455	28 MoReg 245	
9 CSR 10-7.110	Director, Department of Mental Health		27 MoReg 1772	This Issue	

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9 CSR 10-7.130	Director, Department of Mental Health		27 MoReg 1951	This Issue	
9 CSR 25-2.105	Fiscal Management		27 MoReg 1951		
9 CSR 30-3.100	Certification Standards		27 MoReg 1455	28 MoReg 245W	
9 CSR 30-3.110	Certification Standards		27 MoReg 1952		
9 CSR 30-3.130	Certification Standards		27 MoReg 1457	28 MoReg 245	
9 CSR 30-3.192	Certification Standards		27 MoReg 1457	28 MoReg 245	
9 CSR 30-4.010	Certification Standards		27 MoReg 1457	28 MoReg 245	
9 CSR 30-4.030	Certification Standards		27 MoReg 1458	28 MoReg 246	
9 CSR 30-4.034	Certification Standards		27 MoReg 1459	28 MoReg 247	
9 CSR 30-4.035	Certification Standards		27 MoReg 1459	28 MoReg 248W	
9 CSR 30-4.039	Certification Standards		27 MoReg 1460	28 MoReg 248W	
9 CSR 30-4.041	Certification Standards		27 MoReg 1460	28 MoReg 248	
9 CSR 30-4.042	Certification Standards		27 MoReg 1461	28 MoReg 248	
9 CSR 30-4.043	Certification Standards		27 MoReg 1462	28 MoReg 250W	
9 CSR 30-4.195	Certification Standards		27 MoReg 1772	This Issue	

DEPARTMENT OF NATURAL RESOURCES

10 CSR 10-2.340	Air Conservation Commission		28 MoReg 325		
10 CSR 10-5.170	Air Conservation Commission		27 MoReg 1462	This Issue	
10 CSR 10-6.060	Air Conservation Commission		27 MoReg 1704	This Issue	
10 CSR 10-6.065	Air Conservation Commission		27 MoReg 1462	This Issue	
10 CSR 10-6.100	Air Conservation Commission		27 MoReg 2274		
10 CSR 10-6.120	Air Conservation Commission		27 MoReg 1707	This Issue	
10 CSR 10-6.320	Air Conservation Commission		27 MoReg 1108	28 MoReg 250	
10 CSR 10-6.350	Air Conservation Commission		28 MoReg 141		
10 CSR 10-6.410	Air Conservation Commission		27 MoReg 1708	This Issue	
10 CSR 23-5.050	Division of Geology and Land Survey		28 MoReg 150		
10 CSR 70-8.010	Soil and Water Districts Commission		27 MoReg 2276		
10 CSR 70-8.020	Soil and Water Districts Commission		27 MoReg 2277		
10 CSR 70-8.030	Soil and Water Districts Commission		27 MoReg 2278		
10 CSR 70-8.040	Soil and Water Districts Commission		27 MoReg 2279		
10 CSR 70-8.050	Soil and Water Districts Commission		27 MoReg 2279		
10 CSR 70-8.060	Soil and Water Districts Commission		27 MoReg 2280		
10 CSR 70-8.070	Soil and Water Districts Commission		27 MoReg 2281		
10 CSR 70-8.080	Soil and Water Districts Commission		27 MoReg 2282		
10 CSR 70-8.090	Soil and Water Districts Commission		27 MoReg 2282		
10 CSR 70-8.100	Soil and Water Districts Commission		27 MoReg 2283		
10 CSR 70-8.110	Soil and Water Districts Commission		27 MoReg 2283		
10 CSR 70-8.120	Soil and Water Districts Commission		27 MoReg 2284		

DEPARTMENT OF PUBLIC SAFETY

11 CSR 10-6.010	Adjutant General		27 MoReg 2285		
11 CSR 40-2.010	Division of Fire Safety		27 MoReg 1952R		
			27 MoReg 1953		
11 CSR 40-2.015	Division of Fire Safety		27 MoReg 1954		
11 CSR 40-2.020	Division of Fire Safety		27 MoReg 1954R		
11 CSR 40-2.021	Division of Fire Safety		27 MoReg 1955		
11 CSR 40-2.022	Division of Fire Safety		27 MoReg 1955		
11 CSR 40-2.030	Division of Fire Safety		27 MoReg 1958R		
			27 MoReg 1958		
11 CSR 40-2.040	Division of Fire Safety		27 MoReg 1960R		
			27 MoReg 1960		
11 CSR 40-2.050	Division of Fire Safety		27 MoReg 1961R		
			27 MoReg 1962		
11 CSR 40-2.060	Division of Fire Safety		27 MoReg 1962R		
11 CSR 40-2.061	Division of Fire Safety		27 MoReg 1963		
11 CSR 40-2.062	Division of Fire Safety		27 MoReg 1963		
11 CSR 40-2.064	Division of Fire Safety		27 MoReg 1963		
11 CSR 40-2.065	Division of Fire Safety		27 MoReg 1964		
11 CSR 40-5.020	Division of Fire Safety		28 MoReg 27		
11 CSR 40-5.050	Division of Fire Safety		28 MoReg 27		
11 CSR 40-5.065	Division of Fire Safety		28 MoReg 27		
11 CSR 40-5.070	Division of Fire Safety		28 MoReg 32		
11 CSR 40-5.080	Division of Fire Safety		28 MoReg 33		
11 CSR 40-5.110	Division of Fire Safety		27 MoReg 1869		
11 CSR 40-5.120	Division of Fire Safety		28 MoReg 33		
11 CSR 45-5.200	Missouri Gaming Commission		This Issue		
11 CSR 45-4.060	Missouri Gaming Commission		27 MoReg 1471	28 MoReg 251	
11 CSR 45-4.260	Missouri Gaming Commission		28 MoReg 34		
11 CSR 45-5.200	Missouri Gaming Commission		27 MoReg 1785	28 MoReg 251	
11 CSR 45-3.010	Missouri Gaming Commission		This Issue		
11 CSR 50-2.500	Missouri State Highway Patrol		27 MoReg 2200		

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11 CSR 50-2.510	Missouri State Highway Patrol		27 MoReg 2200		
11 CSR 50-2.520	Missouri State Highway Patrol		27 MoReg 2201		
11 CSR 75-13.020	Peace Officer Standards and Training Program		27 MoReg 2202	This Issue	
11 CSR 75-14.050	Peace Officer Standards and Training Program		27 MoReg 2288		
11 CSR 75-14.080	Peace Officer Standards and Training Program		27 MoReg 2202	This Issue	
11 CSR 75-15.030	Peace Officer Standards and Training Program		27 MoReg 2203	This Issue	

DEPARTMENT OF REVENUE

12 CSR 10-2.045	Director of Revenue		27 MoReg 2203		
12 CSR 10-3.010	Director of Revenue		27 MoReg 2288R		
12 CSR 10-3.038	Director of Revenue		27 MoReg 2288R		
12 CSR 10-3.048	Director of Revenue		27 MoReg 2289R		
12 CSR 10-3.088	Director of Revenue		27 MoReg 2289R		
12 CSR 10-3.124	Director of Revenue		27 MoReg 2063R	This IssueR	
12 CSR 10-3.148	Director of Revenue		27 MoReg 2289R		
12 CSR 10-3.150	Director of Revenue		27 MoReg 2289R		
12 CSR 10-3.222	Director of Revenue		27 MoReg 2290R		
12 CSR 10-3.226	Director of Revenue		27 MoReg 2290R		
12 CSR 10-3.230	Director of Revenue		27 MoReg 2290R		
12 CSR 10-3.232	Director of Revenue		27 MoReg 2290R		
12 CSR 10-3.370	Director of Revenue		27 MoReg 2291R		
12 CSR 10-3.304	Director of Revenue		27 MoReg 2291R		
12 CSR 10-3.348	Director of Revenue		27 MoReg 2291R		
12 CSR 10-3.356	Director of Revenue		27 MoReg 2291R		
12 CSR 10-3.358	Director of Revenue		27 MoReg 2292R		
12 CSR 10-3.372	Director of Revenue		27 MoReg 2292R		
12 CSR 10-3.422	Director of Revenue		27 MoReg 2292R		
12 CSR 10-3.500	Director of Revenue		27 MoReg 2292R		
12 CSR 10-3.514	Director of Revenue		27 MoReg 2293R		
12 CSR 10-3.532	Director of Revenue		27 MoReg 2293R		
12 CSR 10-3.538	Director of Revenue		27 MoReg 2293R		
12 CSR 10-3.860	Director of Revenue		27 MoReg 2293R		
12 CSR 10-23.454	Director of Revenue		27 MoReg 1785	28 MoReg 169	
12 CSR 10-24.020	Director of Revenue		27 MoReg 1785	28 MoReg 169	
12 CSR 10-24.120	Director of Revenue		27 MoReg 2294		
12 CSR 10-24.140	Director of Revenue		This Issue		
12 CSR 10-24.190	Director of Revenue		27 MoReg 2294		
12 CSR 10-24.305	Director of Revenue		27 MoReg 2295		
12 CSR 10-24.395	Director of Revenue		27 MoReg 2295		
12 CSR 10-24.448	Director of Revenue	28 MoReg 5	28 MoReg 34		
12 CSR 10-24.472	Director of Revenue		27 MoReg 2295		
12 CSR 10-26.010	Director of Revenue		27 MoReg 1786	28 MoReg 169	
12 CSR 10-26.020	Director of Revenue		27 MoReg 1786	28 MoReg 169	
12 CSR 10-26.060	Director of Revenue		27 MoReg 1964	28 MoReg 354	
12 CSR 10-26.090	Director of Revenue		27 MoReg 1787	28 MoReg 170	
12 CSR 10-26.100	Director of Revenue		28 MoReg 150R		
12 CSR 10-41.010	Director of Revenue	27 MoReg 2125	27 MoReg 2209		
12 CSR 10-110.600	Director of Revenue		27 MoReg 2064		
12 CSR 10-110.900	Director of Revenue		27 MoReg 2296		
12 CSR 10-110.950	Director of Revenue		27 MoReg 2064	This Issue	
12 CSR 10-111.010	Director of Revenue		27 MoReg 2065		
12 CSR 10-111.060	Director of Revenue		27 MoReg 2068		
12 CSR 40-50.010	State Tax Commission		27 MoReg 1787	28 MoReg 252	
12 CSR 40-80.080	State Tax Commission		27 MoReg 1787	28 MoReg 252	

DEPARTMENT OF SOCIAL SERVICES

13 CSR 40-19.020	Division of Family Services	27 MoReg 1858	27 MoReg 1872	28 MoReg 354	
13 CSR 40-30.020	Division of Family Services	27 MoReg 2265	27 MoReg 2299		
13 CSR 40-31.025	Division of Family Services		28 MoReg 34		
13 CSR 70-1.020	Division of Medical Services		This Issue		
13 CSR 70-3.020	Division of Medical Services		27 MoReg 1472	28 MoReg 170	
13 CSR 70-3.065	Division of Medical Services	28 MoReg 288	28 MoReg 327		
13 CSR 70-10.015	Division of Medical Services		27 MoReg 1473	27 MoReg 2306	
		28 MoReg 103	28 MoReg 150		
13 CSR 70-10.150	Division of Medical Services	27 MoReg 2051	27 MoReg 2069	This Issue	27 MoReg 1125
13 CSR 70-15.170	Division of Medical Services	27 MoReg 1170			
13 CSR 70-20.320	Division of Medical Services	27 MoReg 1173	27 MoReg 1320	28 MoReg 53	
			This Issue		
13 CSR 70-35.010	Division of Medical Services	27 MoReg 1174	27 MoReg 1324		
		28 MoReg 5T	This IssueR		
13 CSR 70-40.010	Division of Medical Services	27 MoReg 1176	27 MoReg 1326	28 MoReg 170	
		This IssueT			

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13 CSR 70-60.010	Division of Medical Services	28 MoReg 290	27 MoReg 2209		
13 CSR 70-65.010	Division of Medical Services	28 MoReg 291	27 MoReg 2213		
13 CSR 70-70.010	Division of Medical Services	28 MoReg 293	27 MoReg 2215		
13 CSR 73-1.010	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-1.010)		This Issue		
13 CSR 73-2	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2)				This Issue
13 CSR 73-2.015	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.015)		This Issue		
13 CSR 73-2.020	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.020)		This Issue		
13 CSR 73-2.025	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.025)		This Issue		
13 CSR 73-2.031	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.031)		This Issue		
13 CSR 73-2.050	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.050)		This Issue		
13 CSR 73-2.051	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.051)		This Issue		
13 CSR 73-2.055	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.055)		This Issue		
13 CSR 73-2.060	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.060)		This Issue		
13 CSR 73-2.080	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.080)		This Issue		
13 CSR 73-2.085	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.085)		This Issue		
13 CSR 73-2.090	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.090)		This Issue		
13 CSR 73-2.095	Missouri Board of Nursing Home Administrators (Change to 19 CSR 73-2.095)		This Issue		
ELECTED OFFICIALS					
15 CSR 30-3.010	Secretary of State	27 MoReg 1933	27 MoReg 2072		
15 CSR 30-8.010	Secretary of State	27 MoReg 1934T			
		27 MoReg 1934	27 MoReg 2074		
15 CSR 30-8.020	Secretary of State	27 MoReg 1935	27 MoReg 2076		
15 CSR 30-9.040	Secretary of State	27 MoReg 1936	27 MoReg 2078		
15 CSR 30-45.030	Secretary of State		This Issue		
15 CSR 30-50.030	Secretary of State		28 MoReg 34		
15 CSR 30-51.160	Secretary of State		27 MoReg 1788	28 MoReg 171	
15 CSR 30-52.010	Secretary of State		27 MoReg 1788R	28 MoReg 171R	
			27 MoReg 1788	28 MoReg 171	
15 CSR 30-52.015	Secretary of State		27 MoReg 1789	28 MoReg 171	
15 CSR 30-52.020	Secretary of State		27 MoReg 1789R	28 MoReg 172R	
			27 MoReg 1790	28 MoReg 172	
15 CSR 30-52.025	Secretary of State		27 MoReg 1790	28 MoReg 172	
15 CSR 30-52.030	Secretary of State		27 MoReg 1791R	28 MoReg 172R	
			27 MoReg 1791	28 MoReg 173	
15 CSR 30-52.040	Secretary of State		27 MoReg 1792R	28 MoReg 173R	
15 CSR 30-52.050	Secretary of State		27 MoReg 1792R	28 MoReg 173R	
15 CSR 30-52.060	Secretary of State		27 MoReg 1792R	28 MoReg 173R	
15 CSR 30-52.070	Secretary of State		27 MoReg 1792R	28 MoReg 173R	
15 CSR 30-52.080	Secretary of State		27 MoReg 1793R	28 MoReg 173R	
15 CSR 30-52.100	Secretary of State		27 MoReg 1793R	28 MoReg 174R	
			27 MoReg 1793	28 MoReg 174	
15 CSR 30-52.110	Secretary of State		27 MoReg 1794R	28 MoReg 174R	
15 CSR 30-52.120	Secretary of State		27 MoReg 1794R	28 MoReg 174R	
			27 MoReg 1794	28 MoReg 174	
15 CSR 30-52.130	Secretary of State		27 MoReg 1795R	28 MoReg 174R	
15 CSR 30-52.140	Secretary of State		27 MoReg 1795R	28 MoReg 175R	
15 CSR 30-52.150	Secretary of State		27 MoReg 1795R	28 MoReg 175R	
15 CSR 30-52.160	Secretary of State		27 MoReg 1796R	28 MoReg 175R	
15 CSR 30-52.180	Secretary of State		27 MoReg 1796R	28 MoReg 175R	
15 CSR 30-52.190	Secretary of State		27 MoReg 1796R	28 MoReg 175R	
15 CSR 30-52.200	Secretary of State		27 MoReg 1797R	28 MoReg 175R	
			27 MoReg 1797	28 MoReg 176	
15 CSR 30-52.210	Secretary of State		27 MoReg 1797R	28 MoReg 176R	
15 CSR 30-52.230	Secretary of State		27 MoReg 1797R	28 MoReg 176R	
15 CSR 30-52.250	Secretary of State		27 MoReg 1798R	28 MoReg 176R	
15 CSR 30-52.260	Secretary of State		27 MoReg 1798R	28 MoReg 176R	
			27 MoReg 1798	28 MoReg 176	
15 CSR 30-52.271	Secretary of State		27 MoReg 1799R	28 MoReg 177R	

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15 CSR 30-52.272	Secretary of State		27 MoReg 1799R	28 MoReg 177R	
15 CSR 30-52.273	Secretary of State		27 MoReg 1799R	28 MoReg 177R	
15 CSR 30-52.275	Secretary of State		27 MoReg 1800R	28 MoReg 177R	
			27 MoReg 1800	28 MoReg 177	
15 CSR 30-52.280	Secretary of State		27 MoReg 1800R	28 MoReg 178R	
			27 MoReg 1801	28 MoReg 178	
15 CSR 30-52.290	Secretary of State		27 MoReg 1801R	28 MoReg 178R	
15 CSR 30-52.300	Secretary of State		27 MoReg 1801R	28 MoReg 178R	
			27 MoReg 1801	28 MoReg 178	
15 CSR 30-52.310	Secretary of State		27 MoReg 1802R	28 MoReg 178R	
			27 MoReg 1802	28 MoReg 178	
			28 MoReg 331		
15 CSR 30-52.320	Secretary of State		27 MoReg 1803R	28 MoReg 179R	
			27 MoReg 1803	28 MoReg 179	
15 CSR 30-52.330	Secretary of State		27 MoReg 1803R	28 MoReg 179R	
			27 MoReg 1804	28 MoReg 179	
15 CSR 30-52.340	Secretary of State		27 MoReg 1804	28 MoReg 179	
15 CSR 30-52.350	Secretary of State		27 MoReg 1804R	28 MoReg 180R	
15 CSR 30-90.010	Secretary of State		27 MoReg 1965	28 MoReg 354	
15 CSR 30-90.020	Secretary of State		27 MoReg 1965	28 MoReg 354	
15 CSR 30-90.030	Secretary of State		27 MoReg 1966	28 MoReg 354	
15 CSR 30-90.040	Secretary of State		27 MoReg 1966	28 MoReg 355	
15 CSR 30-90.050	Secretary of State		27 MoReg 1966	28 MoReg 355	
15 CSR 30-90.060	Secretary of State		27 MoReg 1967	28 MoReg 355	
15 CSR 30-90.070	Secretary of State		27 MoReg 1967	28 MoReg 355	
15 CSR 30-90.075	Secretary of State		27 MoReg 1967	28 MoReg 355	
15 CSR 30-90.076	Secretary of State		27 MoReg 1968	28 MoReg 355	
15 CSR 30-90.080	Secretary of State		27 MoReg 1968	28 MoReg 355	
15 CSR 30-90.090	Secretary of State	28 MoReg 294	27 MoReg 1968	28 MoReg 356	
15 CSR 30-90.100	Secretary of State		27 MoReg 1969	28 MoReg 356	
15 CSR 30-90.105	Secretary of State		27 MoReg 1969	28 MoReg 356	
15 CSR 30-90.110	Secretary of State		27 MoReg 1970	28 MoReg 356	
15 CSR 30-90.120	Secretary of State		27 MoReg 1970	28 MoReg 357	
15 CSR 30-90.130	Secretary of State		27 MoReg 1971	28 MoReg 357	
15 CSR 30-90.140	Secretary of State		27 MoReg 1971	28 MoReg 357	
15 CSR 30-90.150	Secretary of State		27 MoReg 1971	28 MoReg 357	
15 CSR 30-90.160	Secretary of State		27 MoReg 1972	28 MoReg 357	
15 CSR 30-90.170	Secretary of State		27 MoReg 1972	28 MoReg 357	
15 CSR 30-90.180	Secretary of State		27 MoReg 1972	28 MoReg 358	
15 CSR 30-90.190	Secretary of State		27 MoReg 1973	28 MoReg 358	
15 CSR 30-90.200	Secretary of State		27 MoReg 1973	28 MoReg 358	
15 CSR 30-90.201	Secretary of State		27 MoReg 1973	28 MoReg 358	
15 CSR 30-90.202	Secretary of State		27 MoReg 1973	28 MoReg 358	
15 CSR 30-90.203	Secretary of State		27 MoReg 1974	28 MoReg 358	
15 CSR 30-90.204	Secretary of State		27 MoReg 1974	28 MoReg 359	
15 CSR 30-90.210	Secretary of State		27 MoReg 1974	28 MoReg 359	
15 CSR 30-90.220	Secretary of State		27 MoReg 1975	28 MoReg 359	
15 CSR 30-90.230	Secretary of State		27 MoReg 1975	28 MoReg 359	
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19 CSR 10-10.050	Office of the Director		27 MoReg 1988	28 MoReg 359	
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19 CSR 20-20.020	Office of the Director	28 MoReg 7	28 MoReg 36		
19 CSR 20-28.010	Division of Environmental Health and Communicable Disease Prevention		27 MoReg 1874	28 MoReg 180	
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19 CSR 30-1.011	Division of Health Standards and Licensure		This Issue		
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19 CSR 30-1.019	Division of Health Standards and Licensure		This Issue		
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19 CSR 73-2	Missouri Board of Nursing Home Administrators (Change from 13 CSR 73-2)				This Issue
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19 CSR 73-2.025	Missouri Board of Nursing Home Administrators (Change from 13 CSR 73-2.025)		This Issue		
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20 CSR 200-2.700	Financial Examination		27 MoReg 1329	28 MoReg 180	
20 CSR 200-6.100	Financial Examination		27 MoReg 1330	28 MoReg 181	
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20 CSR 400-3.650	Life, Annuities and Health		27 MoReg 1362		
20 CSR 400-5.400	Life, Annuities and Health		27 MoReg 1372	28 MoReg 185	
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22 CSR 10-2.020	Health Care Plan	28 MoReg 120	28 MoReg 229	
22 CSR 10-2.040	Health Care Plan	28 MoReg 121R	28 MoReg 230R	
22 CSR 10-2.045	Health Care Plan	28 MoReg 122	28 MoReg 230	
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1 CSR 15-3.200	Subject Matter	May 30, 2003
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1 CSR 20-2.015	Broad Classification Bands for Managers	July 10, 2003

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2 CSR 90-20.040	NIST Handbook 130, "Uniform Regulations for the Method of Sale of Commodities"	March 9, 2003
2 CSR 90-30.040	Quality Standards for Motor Fuels	March 9, 2003

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4 CSR 240-120.140	New Manufactured Home Manufacturer's Inspection Fee	August 1, 2003
4 CSR 240-123.030	Seals	August 1, 2003

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4 CSR 265-2.070	Complaints	May 30, 2003
4 CSR 265-2.080	Pleadings	May 30, 2003
4 CSR 265-2.085	Dismissal of Cases	May 30, 2003
4 CSR 265-2.090	Discovery and Prehearings	May 30, 2003
4 CSR 265-2.100	Subpoenas and Formal Investigations	May 30, 2003
4 CSR 265-2.110	Hearings	May 30, 2003
4 CSR 265-2.115	Continuances	May 30, 2003
4 CSR 265-2.116	Interventions	May 30, 2003
4 CSR 265-2.120	Evidence	May 30, 2003
4 CSR 265-2.130	Briefs and Oral Argument	May 30, 2003
4 CSR 265-2.140	Decisions of the Division	May 30, 2003
4 CSR 265-2.150	Rehearings	May 30, 2003
4 CSR 265-4.010	Gratuities and Private Employment	May 30, 2003
4 CSR 265-4.020	Conduct During Proceedings	May 30, 2003

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12 CSR 10-24.448	Proof of Identity and Proof of Social Security Number Required for Issuance of a Driver or Nondriver License	June 23, 2003
12 CSR 10-41.010	Annual Adjusted Rate of Interest	June 29, 2003

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13 CSR 40-19.020	Low Income Home Energy Assistance Program	March 31, 2003
13 CSR 40-30.020	Attorney Fees in Termination of Parental Rights Cases	June 11, 2003

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13 CSR 70-3.065	Medicaid Program Payment of Claims for Medicare Part B Services	August 27, 2003
13 CSR 70-10.015	Prospective Reimbursement Plan for Nursing Facility Services	July 15, 2003
13 CSR 70-10.150	Enhancement Pools	May 6, 2003
13 CSR 70-60.010	Durable Medical Equipment Program	August 27, 2003
13 CSR 70-65.010	Rehabilitation Center Program	August 27, 2003
13 CSR 70-70.010	Therapy Program	August 27, 2003

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15 CSR 30-3.010	Voter Identification Affidavit	April 18, 2003
15 CSR 30-8.010	Provisional Ballots and Envelopes	April 18, 2003
15 CSR 30-8.020	Procedures to Determine Eligibility for Provisional Ballots to Be Counted	April 28, 2003
15 CSR 30-9.040	Write-In Stickers	April 18, 2003
15 CSR 30-90.090	Refusal to File; Cancellation; Defects in Filing	March 30, 2003
15 CSR 30-200.030	Public Access Computers in Public Libraries	April 29, 2003

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19 CSR 10-4.020	J-1 Visa Waiver Program	June 23, 2003
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19 CSR 20-20.020	Reporting Communicable, Environmental and Occupational Diseases	June 23, 2003
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19 CSR 60-50.300	Definitions for the Certificate of Need Process	June 29, 2003
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19 CSR 60-50.300	Definitions for the Certificate of Need Process	June 29, 2003
19 CSR 60-50.400	Letter of Intent Process	June 29, 2003
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19 CSR 60-50.410	Letter of Intent Package	June 29, 2003
19 CSR 60-50.410	Letter of Intent Package	June 29, 2003
19 CSR 60-50.420	Application Process	June 29, 2003
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19 CSR 60-50.430	Application Package	June 29, 2003
19 CSR 60-50.450	Criteria and Standards for Long-Term Care	June 29, 2003
19 CSR 60-50.450	Criteria and Standards for Long-Term Care	June 29, 2003
19 CSR 60-50.700	Post-Decision Activity	June 29, 2003
19 CSR 60-50.700	Post-Decision Activity	June 29, 2003

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20 CSR 300-2.200	Records Required for Purposes of Market Conduct Examinations	August 22, 2003
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22 CSR 10-2.010	Definitions	June 29, 2003
22 CSR 10-2.020	Membership Agreement and Participation Period	June 29, 2003
22 CSR 10-2.040	PPO Plan Summary of Medical Benefits	June 29, 2003
22 CSR 10-2.045	Co-pay and PPO Plan Summaries	June 29, 2003
22 CSR 10-2.050	PPO Plan Benefit Provisions and Covered Charges	June 29, 2003
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22 CSR 10-2.060	PPO and Co-pay Plan Limitations	June 29, 2003
22 CSR 10-2.063	HMO/POS Premium Option Summary of Medical Benefits	June 29, 2003
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22 CSR 10-2.067	HMO and POS Limitations	June 29, 2003
22 CSR 10-2.075	Review and Appeals Procedure	June 29, 2003
22 CSR 10-2.080	Miscellaneous Provisions	June 29, 2003

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03-02	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	28 MoReg 298
03-03	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
03-04	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
03-05	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
03-06	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306

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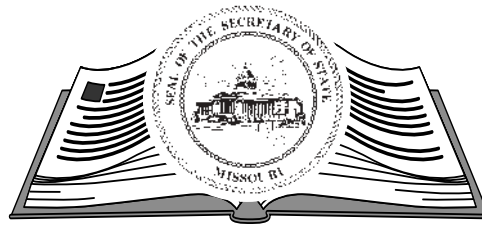
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